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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. **888**

02/06/2017 Authored by Fabian, Hansen and Heintzeman
The bill was read for the first time and referred to the Committee on Environment and Natural Resources Policy and Finance
03/27/2017 Adoption of Report: Amended and re-referred to the Committee on Ways and Means

1.1 A bill for an act

1.2 relating to state government; appropriating money for environment, natural

1.3 resources, and tourism purposes; modifying fees; creating accounts; providing for

1.4 disposition of certain receipts; modifying grant, contract, and lease provisions;

1.5 modifying water safety provisions; modifying provisions to take, possess, and

1.6 transport wildlife; modifying duties and authority; modifying buffer requirements;

1.7 modifying wetland provisions; modifying invasive species provisions; modifying

1.8 off-highway vehicle provisions; modifying permit and license requirements;

1.9 modifying Petroleum Tank Release Cleanup Act; extending ban on open air swine

1.10 basins; modifying environmental review; modifying Environmental Quality Board;

1.11 requiring reports; requiring rulemaking; amending Minnesota Statutes 2016,

1.12 sections 84.01, by adding a subdivision; 84.027, subdivisions 14a, 14b, by adding

1.13 subdivisions; 84.788, subdivision 2; 84.793, subdivision 1; 84.82, subdivision 2;

1.14 84.925, subdivision 1; 84.9256, subdivisions 1, 2; 84.946, subdivision 2, by adding

1.15 a subdivision; 84.992, subdivisions 3, 4, 5, 6; 84D.03, subdivisions 3, 4; 84D.04,

1.16 subdivision 1; 84D.05, subdivision 1; 84D.108, subdivision 2a, by adding a

1.17 subdivision; 84D.11, by adding a subdivision; 85.052, subdivision 1; 85.054, by

1.18 adding a subdivision; 85.055, subdivision 1; 85.22, subdivision 2a; 85.32,

1.19 subdivision 1; 86B.313, subdivision 1; 86B.511; 86B.701, subdivision 3; 88.01,

1.20 subdivision 28; 88.523; 89.39; 90.01, subdivisions 8, 12, by adding a subdivision;

1.21 90.041, subdivision 2; 90.051; 90.101, subdivision 2; 90.14; 90.145, subdivision

1.22 2; 90.151, subdivision 1; 90.162; 90.252; 93.47, subdivision 4; 93.481, subdivision

1.23 2; 93.50; 94.343, subdivision 9; 94.344, subdivision 9; 97A.015, subdivisions 39,

1.24 43, 45, 52, 53; 97A.045, subdivision 10; 97A.075, subdivision 1; 97A.137,

1.25 subdivision 5; 97A.201, subdivision 2, by adding a subdivision; 97A.301,

1.26 subdivision 1; 97A.338; 97A.420, subdivision 1; 97A.421, subdivision 2a; 97B.031,

1.27 subdivision 6; 97B.516; 97B.655, subdivision 1; 97C.401, subdivision 2; 97C.501,

1.28 subdivision 1; 97C.701, by adding a subdivision; 103B.101, subdivision 12a;

1.29 103F.411, subdivision 1; 103F.48, subdivisions 1, 3, 7; 103G.005, subdivisions

1.30 10b, 10h, by adding a subdivision; 103G.222, subdivisions 1, 3; 103G.2242,

1.31 subdivision 2; 103G.2372, subdivision 1; 103G.271, subdivisions 1, 6, 6a, 7, by

1.32 adding a subdivision; 103G.287, subdivisions 1, 4; 103G.411; 114D.25, by adding

1.33 a subdivision; 115B.41, subdivision 1; 115B.421; 115C.021, subdivision 1, by

1.34 adding a subdivision; 116.03, subdivision 2b, by adding subdivisions; 116.07,

1.35 subdivision 4d, by adding subdivisions; 116.0714; 116C.03, subdivision 2; 116C.04,

1.36 subdivision 2; 116D.04, subdivisions 2a, 10; 116D.045, subdivision 1; 160.06;

1.37 168.1295, subdivision 1; 296A.18, subdivision 6a; Laws 2013, chapter 114, article

1.38 4, section 105; Laws 2015, First Special Session chapter 4, article 4, section 136;

1.39 Laws 2016, chapter 189, article 3, sections 6; 46; proposing coding for new law

2.1 in Minnesota Statutes, chapters 85; 93; 97B; 115; 115B; repealing Minnesota
 2.2 Statutes 2016, sections 84.026, subdivision 3; 97B.031, subdivision 5; 97C.701,
 2.3 subdivisions 1a, 6; 97C.705; 97C.711; 116C.04, subdivisions 3, 4; Minnesota
 2.4 Rules, parts 6258.0100; 6258.0200; 6258.0300; 6258.0400; 6258.0500; 6258.0600;
 2.5 6258.0700, subparts 1, 4, 5; 6258.0800; 6258.0900.

2.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

2.7 **ARTICLE 1**

2.8 **ENVIRONMENT AND NATURAL RESOURCES APPROPRIATIONS**

2.9 Section 1. **ENVIRONMENT AND NATURAL RESOURCES APPROPRIATIONS.**

2.10 The sums shown in the columns marked "Appropriations" are appropriated to the agencies
 2.11 and for the purposes specified in this article. The appropriations are from the general fund,
 2.12 or another named fund, and are available for the fiscal years indicated for each purpose.
 2.13 The figures "2018" and "2019" used in this article mean that the appropriations listed under
 2.14 them are available for the fiscal year ending June 30, 2018, or June 30, 2019, respectively.
 2.15 "The first year" is fiscal year 2018. "The second year" is fiscal year 2019. "The biennium"
 2.16 is fiscal years 2018 and 2019. Appropriations for the fiscal year ending June 30, 2017, are
 2.17 effective the day following final enactment.

	<u>APPROPRIATIONS</u>	
	<u>Available for the Year</u>	
	<u>Ending June 30</u>	
	<u>2018</u>	<u>2019</u>

2.22 Sec. 2. **POLLUTION CONTROL AGENCY**

2.23 **Subdivision 1. Total Appropriation** **\$ 93,016,000** **\$ 92,666,000**

	<u>Appropriations by Fund</u>	
	<u>2018</u>	<u>2019</u>
<u>General</u>	<u>3,297,000</u>	<u>2,997,000</u>
<u>State Government</u>		
<u>Special Revenue</u>	<u>75,000</u>	<u>75,000</u>
<u>Environmental</u>	<u>78,210,000</u>	<u>78,160,000</u>
<u>Remediation</u>	<u>11,434,000</u>	<u>11,434,000</u>

2.31 The amounts that may be spent for each
 2.32 purpose are specified in the following
 2.33 subdivisions.

2.34 The commissioner must present the agency's
 2.35 biennial budget for fiscal years 2020 and 2021

3.1 to the legislature in a transparent way by
 3.2 agency division, including the proposed
 3.3 budget bill and presentations of the budget to
 3.4 committees and divisions with jurisdiction
 3.5 over the agency's budget.

3.6 **Subd. 2. Environmental Analysis and Outcomes** 12,547,000 12,497,000

3.7	<u>Appropriations by Fund</u>	
3.8	<u>2018</u>	<u>2019</u>
3.9	<u>12,366,000</u>	<u>12,316,000</u>
3.10	<u>181,000</u>	<u>181,000</u>

3.11 (a) \$88,000 the first year and \$88,000 the
 3.12 second year are from the environmental fund
 3.13 for:

3.14 (1) a municipal liaison to assist municipalities
 3.15 in implementing and participating in the
 3.16 water-quality standards rulemaking process
 3.17 and navigating the NPDES/SDS permitting
 3.18 process;

3.19 (2) enhanced economic analysis in the
 3.20 water-quality standards rulemaking process,
 3.21 including more-specific analysis and
 3.22 identification of cost-effective permitting;

3.23 (3) developing statewide economic analyses
 3.24 and templates to reduce the amount of
 3.25 information and time required for
 3.26 municipalities to apply for variances from
 3.27 water-quality standards; and

3.28 (4) coordinating with the Public Facilities
 3.29 Authority to identify and advocate for the
 3.30 resources needed for municipalities to achieve
 3.31 permit requirements.

3.32 (b) \$204,000 the first year and \$204,000 the
 3.33 second year are from the environmental fund

4.1 for a monitoring program under Minnesota
4.2 Statutes, section 116.454.

4.3 (c) \$346,000 the first year and \$346,000 the
4.4 second year are from the environmental fund
4.5 for monitoring ambient air for hazardous
4.6 pollutants.

4.7 (d) \$90,000 the first year and \$90,000 the
4.8 second year are from the environmental fund
4.9 for duties related to harmful chemicals in
4.10 children's products under Minnesota Statutes,
4.11 sections 116.9401 to 116.9407. Of this
4.12 amount, \$57,000 each year is transferred to
4.13 the commissioner of health.

4.14 (e) \$109,000 the first year and \$109,000 the
4.15 second year are from the environmental fund
4.16 for registration of wastewater laboratories.

4.17 (f) \$913,000 the first year and \$913,000 the
4.18 second year are from the environmental fund
4.19 to continue perfluorochemical biomonitoring
4.20 in eastern-metropolitan communities, as
4.21 recommended by the Environmental Health
4.22 Tracking and Biomonitoring Advisory Panel,
4.23 and address other environmental health risks,
4.24 including air quality. The communities must
4.25 include Hmong and other immigrant farming
4.26 communities. Of this amount, up to \$677,000
4.27 the first year and \$677,000 the second year
4.28 are for transfer to the Department of Health.

4.29 (g) \$100,000 the first year and \$50,000 the
4.30 second year are from the environmental fund
4.31 for impaired waters listing procedures required
4.32 under this act.

4.33 Subd. 3. **Industrial** 13,509,000 13,508,000

4.34 Appropriations by Fund

5.1		<u>2018</u>	<u>2019</u>
5.2	<u>Environmental</u>	<u>12,979,000</u>	<u>12,978,000</u>
5.3	<u>Remediation</u>	<u>530,000</u>	<u>530,000</u>

5.4 \$530,000 the first year and \$530,000 the
 5.5 second year are from the remediation fund for
 5.6 the leaking underground storage tank program
 5.7 to investigate, clean up, and prevent future
 5.8 releases from underground petroleum storage
 5.9 tanks and to the petroleum remediation
 5.10 program for vapor assessment and
 5.11 remediation. These same annual amounts are
 5.12 transferred from the petroleum tank fund to
 5.13 the remediation fund.

5.14	<u>Subd. 4. Municipal</u>	<u>6,625,000</u>	<u>6,624,000</u>
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5.15 (a) \$162,000 the first year and \$162,000 the
 5.16 second year are from the environmental fund
 5.17 for:

5.18 (1) a municipal liaison to assist municipalities
 5.19 in implementing and participating in the
 5.20 water-quality standards rulemaking process
 5.21 and navigating the NPDES/SDS permitting
 5.22 process;

5.23 (2) enhanced economic analysis in the
 5.24 water-quality standards rulemaking process,
 5.25 including more specific analysis and
 5.26 identification of cost-effective permitting;

5.27 (3) development of statewide economic
 5.28 analyses and templates to reduce the amount
 5.29 of information and time required for
 5.30 municipalities to apply for variances from
 5.31 water quality standards; and

5.32 (4) coordinating with the Public Facilities
 5.33 Authority to identify and advocate for the

6.1 resources needed for municipalities to achieve
6.2 permit requirements.

6.3 (b) \$50,000 the first year and \$50,000 the
6.4 second year are from the environmental fund
6.5 for transfer to the Office of Administrative
6.6 Hearings to establish sanitary districts.

6.7 (c) \$615,000 the first year and \$614,000 the
6.8 second year are from the environmental fund
6.9 for subsurface sewage treatment system
6.10 (SSTS) program administration and
6.11 community technical assistance and education,
6.12 including grants and technical assistance to
6.13 communities for water-quality protection. Of
6.14 this amount, \$129,000 each year is for
6.15 assistance to counties through grants for SSTS
6.16 program administration. A county receiving
6.17 a grant from this appropriation must submit
6.18 the results achieved with the grant to the
6.19 commissioner as part of its annual SSTS
6.20 report. Any unexpended balance in the first
6.21 year does not cancel but is available in the
6.22 second year.

6.23 (d) \$639,000 the first year and \$640,000 the
6.24 second year are from the environmental fund
6.25 to address the need for continued increased
6.26 activity in the areas of new technology review,
6.27 technical assistance for local governments,
6.28 and enforcement under Minnesota Statutes,
6.29 sections 115.55 to 115.58, and to complete the
6.30 requirements of Laws 2003, chapter 128,
6.31 article 1, section 165.

6.32 (e) Notwithstanding Minnesota Statutes,
6.33 section 16A.28, the appropriations
6.34 encumbered on or before June 30, 2019, as
6.35 grants or contracts for subsurface sewage

7.1 treatment systems, surface water and
 7.2 groundwater assessments, storm water, and
 7.3 water-quality protection in this subdivision
 7.4 are available until June 30, 2022.

7.5 **Subd. 5. Operations** 5,839,000 5,540,000

7.6	<u>Appropriations by Fund</u>		
7.7		<u>2018</u>	<u>2019</u>
7.8	<u>General</u>	<u>300,000</u>	
7.9	<u>Environmental</u>	<u>4,775,000</u>	<u>4,775,000</u>
7.10	<u>Remediation</u>	<u>764,000</u>	<u>765,000</u>

7.11 (a) \$174,000 the first year and \$174,000 the
 7.12 second year are from the remediation fund for
 7.13 purposes of the leaking underground storage
 7.14 tank program to investigate, clean up, and
 7.15 prevent future releases from underground
 7.16 petroleum storage tanks, and to the petroleum
 7.17 remediation program for vapor assessment
 7.18 and remediation. These same annual amounts
 7.19 are transferred from the petroleum tank fund
 7.20 to the remediation fund.

7.21 (b) \$400,000 the first year and \$400,000 the
 7.22 second year are from the environmental fund
 7.23 to develop and maintain systems to support
 7.24 permitting and regulatory business processes
 7.25 and agency data.

7.26 (c) \$500,000 the first year and \$500,000 the
 7.27 second year are from the environmental fund
 7.28 for permitting efficiency and updating rules
 7.29 to reflect guidelines, bulletins, criterion,
 7.30 manual standards, interpretive statements, or
 7.31 similar pronouncements used in permits.

7.32 (d) \$300,000 the first year is for a grant to the
 7.33 Metropolitan Council under Minnesota
 7.34 Statutes, section 116.195, for wastewater

8.1 infrastructure to support waste to biofuel
 8.2 development.

8.3 **Subd. 6. Remediation** 10,645,000 10,644,000

8.4 Appropriations by Fund

	<u>2018</u>	<u>2019</u>
8.5 <u>General</u>	<u>216,000</u>	<u>216,000</u>
8.6 <u>Environmental</u>	<u>688,000</u>	<u>688,000</u>
8.7 <u>Remediation</u>	<u>9,741,000</u>	<u>9,740,000</u>

8.9 (a) All money for environmental response,
 8.10 compensation, and compliance in the
 8.11 remediation fund not otherwise appropriated
 8.12 is appropriated to the commissioners of the
 8.13 Pollution Control Agency and agriculture for
 8.14 purposes of Minnesota Statutes, section
 8.15 115B.20, subdivision 2, clauses (1), (2), (3),
 8.16 (6), and (7). At the beginning of each fiscal
 8.17 year, the two commissioners shall jointly
 8.18 submit an annual spending plan to the
 8.19 commissioner of management and budget that
 8.20 maximizes the use of resources and
 8.21 appropriately allocates the money between the
 8.22 two departments. This appropriation is
 8.23 available until June 30, 2019.

8.24 (b) \$216,000 the first year and \$216,000 the
 8.25 second year are from the general fund and
 8.26 \$216,000 the first year and \$216,000 the
 8.27 second year are from the environmental fund
 8.28 to manage contaminated sediment projects at
 8.29 multiple sites identified in the St. Louis River
 8.30 remedial action plan to restore water quality
 8.31 in the St. Louis River Area of Concern. This
 8.32 amount is added to the base for fiscal year
 8.33 2020 only.

8.34 (c) \$3,521,000 the first year and \$3,520,000
 8.35 the second year are from the remediation fund

9.1 for purposes of the leaking underground
 9.2 storage tank program to investigate, clean up,
 9.3 and prevent future releases from underground
 9.4 petroleum storage tanks, and to the petroleum
 9.5 remediation program for purposes of vapor
 9.6 assessment and remediation. These same
 9.7 annual amounts are transferred from the
 9.8 petroleum tank fund to the remediation fund.

9.9 (d) \$252,000 the first year and \$252,000 the
 9.10 second year are from the remediation fund for
 9.11 transfer to the commissioner of health for
 9.12 private water-supply monitoring and health
 9.13 assessment costs in areas contaminated by
 9.14 unpermitted mixed municipal solid waste
 9.15 disposal facilities and drinking water
 9.16 advisories and public information activities
 9.17 for areas contaminated by hazardous releases.

9.18 **Subd. 7. Resource Management and Assistance** 33,617,000 33,619,000

Appropriations by Fund

	<u>2018</u>	<u>2019</u>
9.21 <u>State Government</u>		
9.22 <u>Special Revenue</u>	<u>75,000</u>	<u>75,000</u>
9.23 <u>Environmental</u>	<u>33,542,000</u>	<u>33,544,000</u>

9.24 (a) Up to \$150,000 the first year and \$150,000
 9.25 the second year may be transferred from the
 9.26 environmental fund to the small business
 9.27 environmental improvement loan account
 9.28 established in Minnesota Statutes, section
 9.29 116.993.

9.30 (b) \$1,000,000 the first year and \$1,000,000
 9.31 the second year are from the environmental
 9.32 fund for competitive recycling grants under
 9.33 Minnesota Statutes, section 115A.565. This
 9.34 appropriation is available until June 30, 2021.
 9.35 Any unencumbered grant and loan balances

- 10.1 in the first year do not cancel but are available
10.2 for grants and loans in the second year.
- 10.3 (c) \$693,000 the first year and \$693,000 the
10.4 second year are from the environmental fund
10.5 for emission reduction activities and grants to
10.6 small businesses and other nonpoint emission
10.7 reduction efforts.
- 10.8 (d) \$19,750,000 the first year and \$19,750,000
10.9 the second year are from the environmental
10.10 fund for SCORE block grants to counties.
- 10.11 (e) \$119,000 the first year and \$119,000 the
10.12 second year are from the environmental fund
10.13 for environmental assistance grants or loans
10.14 under Minnesota Statutes, section 115A.0716.
10.15 Any unencumbered grant and loan balances
10.16 in the first year do not cancel but are available
10.17 for grants and loans in the second year.
- 10.18 (f) \$68,000 the first year and \$69,000 the
10.19 second year are from the environmental fund
10.20 for subsurface sewage treatment system
10.21 (SSTS) program administration and
10.22 community technical assistance and education,
10.23 including grants and technical assistance to
10.24 communities for water-quality protection.
- 10.25 (g) \$125,000 the first year and \$126,000 the
10.26 second year are from the environmental fund
10.27 to address the need for continued increased
10.28 activity in the areas of new technology review,
10.29 technical assistance for local governments,
10.30 and enforcement under Minnesota Statutes,
10.31 sections 115.55 to 115.58, and to complete the
10.32 requirements of Laws 2003, chapter 128,
10.33 article 1, section 165.

11.1 (h) All money deposited in the environmental
 11.2 fund for the metropolitan solid waste landfill
 11.3 fee in accordance with Minnesota Statutes,
 11.4 section 473.843, and not otherwise
 11.5 appropriated, is appropriated for the purposes
 11.6 of Minnesota Statutes, section 473.844.

11.7 (i) Notwithstanding Minnesota Statutes,
 11.8 section 16A.28, the appropriations
 11.9 encumbered on or before June 30, 2019, as
 11.10 contracts or grants for environmental
 11.11 assistance awarded under Minnesota Statutes,
 11.12 section 115A.0716; technical and research
 11.13 assistance under Minnesota Statutes, section
 11.14 115A.152; technical assistance under
 11.15 Minnesota Statutes, section 115A.52; and
 11.16 pollution prevention assistance under
 11.17 Minnesota Statutes, section 115D.04, are
 11.18 available until June 30, 2021.

11.19 Subd. 8. Watershed 9,220,000 9,220,000

11.20	<u>Appropriations by Fund</u>	
11.21	<u>2018</u>	<u>2019</u>
11.22	<u>1,959,000</u>	<u>1,959,000</u>
11.23	<u>7,043,000</u>	<u>7,043,000</u>
11.24	<u>218,000</u>	<u>218,000</u>

11.25 (a) \$1,959,000 the first year and \$1,959,000
 11.26 the second year are for grants to delegated
 11.27 counties to administer the county feedlot
 11.28 program under Minnesota Statutes, section
 11.29 116.0711, subdivisions 2 and 3. Money
 11.30 remaining after the first year is available for
 11.31 the second year.

11.32 (b) \$207,000 the first year and \$207,000 the
 11.33 second year are from the environmental fund
 11.34 for the costs of implementing general

12.1 operating permits for feedlots over 1,000
 12.2 animal units.
 12.3 (c) \$118,000 the first year and \$118,000 the
 12.4 second year are from the remediation fund for
 12.5 purposes of the leaking underground storage
 12.6 tank program to investigate, clean up, and
 12.7 prevent future releases from underground
 12.8 petroleum storage tanks, and to the petroleum
 12.9 remediation program for vapor assessment
 12.10 and remediation. These same annual amounts
 12.11 are transferred from the petroleum tank fund
 12.12 to the remediation fund.

12.13 **Subd. 9. Environmental Quality Board** 1,014,000 1,014,000

	<u>Appropriations by Fund</u>	
	<u>2018</u>	<u>2019</u>
12.14		
12.15		
12.16	<u>822,000</u>	<u>822,000</u>
12.17	<u>192,000</u>	<u>192,000</u>

12.18 (a) \$319,000 the first year and \$319,000 the
 12.19 second year are from the general fund and
 12.20 \$192,000 the first year and \$192,000 the
 12.21 second year are from the environmental fund
 12.22 for Environmental Quality Board operations
 12.23 and support.

12.24 (b) \$503,000 the first year and \$503,000 the
 12.25 second year are from the general fund for the
 12.26 Environmental Quality Board to lead an
 12.27 interagency team to provide technical
 12.28 assistance regarding the mining, processing,
 12.29 and transporting of silica sand. Of this amount,
 12.30 up to \$75,000 each year may be transferred to
 12.31 the commissioner of natural resources to
 12.32 review the implementation of the rules adopted
 12.33 by the commissioner pursuant to Laws 2013,
 12.34 chapter 114, article 4, section 105, paragraph
 12.35 (b), pertaining to the reclamation of silica sand

14.1 Permanent School 200,000 200,000

14.2 (a) \$319,000 the first year and \$319,000 the
 14.3 second year are for environmental research
 14.4 relating to mine permitting, of which \$200,000
 14.5 each year is from the minerals management
 14.6 account and \$119,000 each year is from the
 14.7 general fund.

14.8 (b) \$2,815,000 the first year and \$2,815,000
 14.9 the second year are from the minerals
 14.10 management account in the natural resources
 14.11 fund for use as provided in Minnesota Statutes,
 14.12 section 93.2236, paragraph (c), for mineral
 14.13 resource management, projects to enhance
 14.14 future mineral income, and projects to promote
 14.15 new mineral resource opportunities.

14.16 (c) \$200,000 the first year and \$200,000 the
 14.17 second year are from the state forest suspense
 14.18 account in the permanent school fund to secure
 14.19 maximum long-term economic return from
 14.20 the school trust lands consistent with fiduciary
 14.21 responsibilities and sound natural resources
 14.22 conservation and management principles.

14.23 (d) \$125,000 the first year and \$125,000 the
 14.24 second year are for conservation easement
 14.25 stewardship.

14.26 **Subd. 3. Ecological and Water Resources** 32,520,000 32,353,000

14.27 Appropriations by Fund

14.28		<u>2018</u>	<u>2019</u>
14.29	<u>General</u>	<u>17,213,000</u>	<u>17,046,000</u>
14.30	<u>Natural Resources</u>	<u>10,826,000</u>	<u>10,826,000</u>
14.31	<u>Game and Fish</u>	<u>4,481,000</u>	<u>4,481,000</u>

14.32 (a) \$3,242,000 the first year and \$3,242,000
 14.33 the second year are from the invasive species
 14.34 account in the natural resources fund. Up to

- 15.1 \$500,000 each year is available for grants for
15.2 applied aquatic invasive species research.
- 15.3 (b) \$3,206,000 the first year and \$3,206,000
15.4 the second year are from the general fund for
15.5 management, public awareness, assessment
15.6 and monitoring research, and water access
15.7 inspection to prevent the spread of invasive
15.8 species; management of invasive plants in
15.9 public waters; and management of terrestrial
15.10 invasive species on state-administered lands.
- 15.11 (c) \$5,000,000 the first year and \$5,000,000
15.12 the second year are from the water
15.13 management account in the natural resources
15.14 fund for only the purposes specified in
15.15 Minnesota Statutes, section 103G.27,
15.16 subdivision 2.
- 15.17 (d) \$124,000 the first year and \$124,000 the
15.18 second year are for a grant to the Mississippi
15.19 Headwaters Board for up to 50 percent of the
15.20 cost of implementing the comprehensive plan
15.21 for the upper Mississippi within areas under
15.22 the board's jurisdiction.
- 15.23 (e) \$10,000 the first year and \$10,000 the
15.24 second year are for payment to the Leech Lake
15.25 Band of Chippewa Indians to implement the
15.26 band's portion of the comprehensive plan for
15.27 the upper Mississippi.
- 15.28 (f) \$264,000 the first year and \$264,000 the
15.29 second year are for grants for up to 50 percent
15.30 of the cost of implementation of the Red River
15.31 mediation agreement.
- 15.32 (g) \$2,018,000 the first year and \$2,018,000
15.33 the second year are from the heritage
15.34 enhancement account in the game and fish

16.1 fund for only the purposes specified in
16.2 Minnesota Statutes, section 297A.94,
16.3 paragraph (e), clause (1).

16.4 (h) \$950,000 the first year and \$950,000 the
16.5 second year are from the nongame wildlife
16.6 management account in the natural resources
16.7 fund for the purpose of nongame wildlife
16.8 management. Notwithstanding Minnesota
16.9 Statutes, section 290.431, \$100,000 the first
16.10 year and \$100,000 the second year may be
16.11 used for nongame wildlife information,
16.12 education, and promotion.

16.13 (i) Notwithstanding Minnesota Statutes,
16.14 section 84.943, \$13,000 the first year and
16.15 \$13,000 the second year from the critical
16.16 habitat private sector matching account may
16.17 be used to publicize the critical habitat license
16.18 plate match program.

16.19 (j) \$6,000,000 the first year and \$6,000,000
16.20 the second year are from the general fund for
16.21 the following activities:

16.22 (1) financial reimbursement and technical
16.23 support to soil and water conservation districts
16.24 or other local units of government for
16.25 groundwater level monitoring;

16.26 (2) surface water monitoring and analysis,
16.27 including installation of monitoring gauges;

16.28 (3) groundwater analysis to assist with water
16.29 appropriation permitting decisions;

16.30 (4) permit application review incorporating
16.31 surface water and groundwater technical
16.32 analysis;

17.1 (5) precipitation data and analysis to improve
 17.2 the use of irrigation;
 17.3 (6) information technology, including
 17.4 electronic permitting and integrated data
 17.5 systems; and
 17.6 (7) compliance and monitoring.
 17.7 (k) \$167,000 the first year is for a grant to the
 17.8 Koronis Lake Association for purposes of
 17.9 removing and preventing aquatic invasive
 17.10 species. This is a onetime appropriation and
 17.11 is available until June 30, 2022.

17.12 (l) \$250,000 the first year and \$250,000 the
 17.13 second year are from the water management
 17.14 account in the natural resources fund for
 17.15 economic impact analysis of groundwater
 17.16 management area and water appropriation
 17.17 permit plans required under Minnesota
 17.18 Statutes, sections 103G.271, subdivision 8,
 17.19 and 103G.287, subdivision 4.

17.20 **Subd. 4. Forest Management** 45,781,000 45,281,000

17.21	<u>Appropriations by Fund</u>	
17.22	<u>2018</u>	<u>2019</u>
17.23	<u>General</u>	<u>28,350,000</u>
17.24	<u>Natural Resources</u>	<u>16,144,000</u>
17.25	<u>Game and Fish</u>	<u>1,287,000</u>

17.26 (a) \$7,145,000 the first year and \$7,145,000
 17.27 the second year are for prevention,
 17.28 presuppression, and suppression costs of
 17.29 emergency firefighting and other costs
 17.30 incurred under Minnesota Statutes, section
 17.31 88.12. The amount necessary to pay for
 17.32 presuppression and suppression costs during
 17.33 the biennium is appropriated from the general
 17.34 fund. By January 15 of each year, the

18.1 commissioner of natural resources shall submit
18.2 a report to the chairs and ranking minority
18.3 members of the house and senate committees
18.4 and divisions having jurisdiction over
18.5 environment and natural resources finance,
18.6 identifying all firefighting costs incurred and
18.7 reimbursements received in the prior fiscal
18.8 year. These appropriations may not be
18.9 transferred. Any reimbursement of firefighting
18.10 expenditures made to the commissioner from
18.11 any source other than federal mobilizations
18.12 must be deposited into the general fund.

18.13 (b) \$11,644,000 the first year and \$11,644,000
18.14 the second year are from the forest
18.15 management investment account in the natural
18.16 resources fund for only the purposes specified
18.17 in Minnesota Statutes, section 89.039,
18.18 subdivision 2.

18.19 (c) \$1,287,000 the first year and \$1,287,000
18.20 the second year are from the heritage
18.21 enhancement account in the game and fish
18.22 fund to advance ecological classification
18.23 systems (ECS) scientific management tools
18.24 for forest and invasive species management.

18.25 (d) \$780,000 the first year and \$780,000 the
18.26 second year are for the Forest Resources
18.27 Council to implement the Sustainable Forest
18.28 Resources Act.

18.29 (e) \$500,000 the first year is from the forest
18.30 management investment account in the natural
18.31 resources fund for an analysis of a sustainable
18.32 timber harvest level on
18.33 department-administered lands. The
18.34 appropriation is available until June 30, 2019.
18.35 This appropriation is onetime.

19.1 (f) \$2,000,000 the first year and \$2,000,000
 19.2 the second year are from the forest
 19.3 management investment account in the natural
 19.4 resources fund for state forest reforestation.
 19.5 The base from the forest management
 19.6 investment account in the natural resources
 19.7 fund for fiscal year 2020 and later is
 19.8 \$1,250,000.

19.9 (g) \$2,000,000 the first year and \$2,000,000
 19.10 the second year are from the forest
 19.11 management investment account in the natural
 19.12 resources fund for the Next Generation Core
 19.13 Forestry data system. The appropriation is
 19.14 available until June 30, 2021. The base from
 19.15 the forest management investment account in
 19.16 the natural resources fund for fiscal year 2020
 19.17 and later is \$500,000.

19.18 (h) The base for the natural resources fund in
 19.19 fiscal year 2020 and later is \$13,394,000.

19.20 **Subd. 5. Parks and Trails Management** 79,250,000 79,500,000

<u>Appropriations by Fund</u>	<u>2018</u>	<u>2019</u>
19.22 <u>General</u>	<u>24,427,000</u>	<u>24,427,000</u>
19.24 <u>Natural Resources</u>	<u>52,550,000</u>	<u>52,800,000</u>
19.25 <u>Game and Fish</u>	<u>2,273,000</u>	<u>2,273,000</u>

19.26 (a) \$1,075,000 the first year and \$1,075,000
 19.27 the second year are from the water recreation
 19.28 account in the natural resources fund for
 19.29 enhancing public water-access facilities.

19.30 (b) \$5,990,000 the first year and \$5,990,000
 19.31 the second year are from the natural resources
 19.32 fund for state trail, park, and recreation area
 19.33 operations. This appropriation is from the
 19.34 revenue deposited in the natural resources fund

20.1 under Minnesota Statutes, section 297A.94,
20.2 paragraph (e), clause (2).

20.3 (c) \$4,700,000 the first year and \$5,100,000
20.4 the second year are from the state parks
20.5 account in the natural resources fund for
20.6 increased state park, state trail, and state
20.7 recreation area operation and maintenance.

20.8 (d) \$1,005,000 the first year and \$1,005,000
20.9 the second year are from the natural resources
20.10 fund for park and trail grants to local units of
20.11 government on land to be maintained for at
20.12 least 20 years for the purposes of the grants.

20.13 This appropriation is from the revenue
20.14 deposited in the natural resources fund under
20.15 Minnesota Statutes, section 297A.94,
20.16 paragraph (e), clause (4). Any unencumbered
20.17 balance does not cancel at the end of the first
20.18 year and is available for the second year.

20.19 (e) \$8,424,000 the first year and \$8,424,000
20.20 the second year are from the snowmobile trails
20.21 and enforcement account in the natural
20.22 resources fund for the snowmobile
20.23 grants-in-aid program. Any unencumbered
20.24 balance does not cancel at the end of the first
20.25 year and is available for the second year.

20.26 (f) \$1,685,000 the first year and \$1,685,000
20.27 the second year are from the natural resources
20.28 fund for the off-highway vehicle grants-in-aid
20.29 program. Of this amount, \$1,210,000 each
20.30 year is from the all-terrain vehicle account;
20.31 \$150,000 each year is from the off-highway
20.32 motorcycle account; and \$325,000 each year
20.33 is from the off-road vehicle. Any
20.34 unencumbered balance does not cancel at the

- 21.1 end of the first year and is available for the
21.2 second year.
- 21.3 (g) \$75,000 the first year and \$75,000 the
21.4 second year are from the cross-country ski
21.5 account in the natural resources fund for
21.6 grooming and maintaining cross-country ski
21.7 trails in state parks, trails, and recreation areas.
- 21.8 (h) \$250,000 the first year and \$250,000 the
21.9 second year are from the state land and water
21.10 conservation account in the natural resources
21.11 fund for priorities established by the
21.12 commissioner for eligible state projects and
21.13 administrative and planning activities
21.14 consistent with Minnesota Statutes, section
21.15 84.0264, and the federal Land and Water
21.16 Conservation Fund Act. Any unencumbered
21.17 balance does not cancel at the end of the first
21.18 year and is available for the second year.
- 21.19 (i) \$150,000 the first year is from the
21.20 all-terrain vehicle account in the natural
21.21 resources fund for a grant to the city of Orr to
21.22 predesign, design, and construct the Voyageur
21.23 all-terrain vehicle trail system, including:
- 21.24 (1) design of the alignment for phase I of the
21.25 Voyageur all-terrain vehicle trail system and
21.26 development of a preliminary phase II
21.27 alignment;
- 21.28 (2) completion of wetland delineation and
21.29 wetland permitting;
- 21.30 (3) completion of the engineering design and
21.31 cost estimates for a snowmobile and
21.32 off-highway vehicle bridge over the Vermilion
21.33 River to establish a trail connection; and

22.1 (4) completion of the master plan for the
 22.2 Voyageur all-terrain vehicle trail system.

22.3 This is a onetime appropriation and is
 22.4 available until June 30, 2020.

22.5 **Subd. 6. Fish and Wildlife Management** 67,561,000 67,531,000

22.6	<u>Appropriations by Fund</u>	
22.7	<u>2018</u>	<u>2019</u>
22.8	<u>Natural Resources</u>	<u>1,912,000</u>
22.9	<u>Game and Fish</u>	<u>65,649,000</u>

22.10 (a) \$8,167,000 the first year and \$8,167,000
 22.11 the second year are from the heritage
 22.12 enhancement account in the game and fish
 22.13 fund only for activities specified in Minnesota
 22.14 Statutes, section 297A.94, paragraph (e),
 22.15 clause (1). Notwithstanding Minnesota
 22.16 Statutes, section 297A.94, five percent of this
 22.17 appropriation may be used for expanding
 22.18 hunter and angler recruitment and retention.

22.19 (b) \$30,000 the first year is from the heritage
 22.20 enhancement account in the game and fish
 22.21 fund for the commissioner of natural resources
 22.22 to contract with a private entity to search for
 22.23 a site to construct a world-class shooting range
 22.24 and club house for use by the Minnesota State
 22.25 High School League and for other regional,
 22.26 statewide, national, and international shooting
 22.27 events. The commissioner must provide public
 22.28 notice of the search, including making the
 22.29 public aware of the process through the
 22.30 Department of Natural Resources' media
 22.31 outlets, and solicit input on the location and
 22.32 building options for the facility. The siting
 22.33 search process must include a public process
 22.34 to determine if any business or individual is
 22.35 interested in donating land for the facility,

23.1 anticipated to be at least 500 acres. The site
 23.2 search team must meet with interested third
 23.3 parties affected by or interested in the facility.
 23.4 The commissioner must submit a report with
 23.5 the results of the site search to the chairs and
 23.6 ranking minority members of the legislative
 23.7 committees and divisions with jurisdiction
 23.8 over environment and natural resources by
 23.9 March 1, 2018. This is a onetime
 23.10 appropriation.

23.11 **Subd. 7. Enforcement** 39,767,000 39,767,000

23.12	<u>Appropriations by Fund</u>	
23.13	<u>2018</u>	<u>2019</u>
23.14 <u>General</u>	<u>5,530,000</u>	<u>5,530,000</u>
23.15 <u>Natural Resources</u>	<u>10,309,000</u>	<u>10,309,000</u>
23.16 <u>Game and Fish</u>	<u>23,828,000</u>	<u>23,828,000</u>
23.17 <u>Remediation</u>	<u>100,000</u>	<u>100,000</u>

23.18 (a) \$1,718,000 the first year and \$1,718,000
 23.19 the second year are from the general fund for
 23.20 enforcement efforts to prevent the spread of
 23.21 aquatic invasive species.

23.22 (b) \$1,580,000 the first year and \$1,580,000
 23.23 the second year are from the heritage
 23.24 enhancement account in the game and fish
 23.25 fund for only the purposes specified in
 23.26 Minnesota Statutes, section 297A.94,
 23.27 paragraph (e), clause (1).

23.28 (c) \$1,082,000 the first year and \$1,082,000
 23.29 the second year are from the water recreation
 23.30 account in the natural resources fund for grants
 23.31 to counties for boat and water safety. Any
 23.32 unencumbered balance does not cancel at the
 23.33 end of the first year and is available for the
 23.34 second year.

24.1 (d) \$315,000 the first year and \$315,000 the
24.2 second year are from the snowmobile trails
24.3 and enforcement account in the natural
24.4 resources fund for grants to local law
24.5 enforcement agencies for snowmobile
24.6 enforcement activities. Any unencumbered
24.7 balance does not cancel at the end of the first
24.8 year and is available for the second year.

24.9 (e) \$250,000 the first year and \$250,000 the
24.10 second year are from the all-terrain vehicle
24.11 account for grants to qualifying organizations
24.12 to assist in safety and environmental education
24.13 and monitoring trails on public lands under
24.14 Minnesota Statutes, section 84.9011. Grants
24.15 issued under this paragraph must be issued
24.16 through a formal agreement with the
24.17 organization. By December 15 each year, an
24.18 organization receiving a grant under this
24.19 paragraph shall report to the commissioner
24.20 with details on expenditures and outcomes
24.21 from the grant. Of this appropriation, \$25,000
24.22 each year is for administration of these grants.
24.23 Any unencumbered balance does not cancel
24.24 at the end of the first year and is available for
24.25 the second year.

24.26 (f) \$510,000 the first year and \$510,000 the
24.27 second year are from the natural resources
24.28 fund for grants to county law enforcement
24.29 agencies for off-highway vehicle enforcement
24.30 and public education activities based on
24.31 off-highway vehicle use in the county. Of this
24.32 amount, \$498,000 each year is from the
24.33 all-terrain vehicle account; \$11,000 each year
24.34 is from the off-highway motorcycle account;
24.35 and \$1,000 each year is from the off-road

25.1 vehicle account. The county enforcement
 25.2 agencies may use money received under this
 25.3 appropriation to make grants to other local
 25.4 enforcement agencies within the county that
 25.5 have a high concentration of off-highway
 25.6 vehicle use. Of this appropriation, \$25,000
 25.7 each year is for administration of these grants.
 25.8 Any unencumbered balance does not cancel
 25.9 at the end of the first year and is available for
 25.10 the second year.

25.11 The commissioner may hold a conservation
 25.12 officer academy if necessary.

25.13 **Subd. 8. Operations Support** 3,000,000 3,000,000

25.14 (a) \$2,500,000 the first year and \$2,500,000
 25.15 the second year are available for legal costs.
 25.16 Of these amounts, up to \$1,700,000 may be
 25.17 transferred to the Minnesota Pollution Control
 25.18 Agency. This is a onetime appropriation and
 25.19 is available until June 30, 2021.

25.20 (b) \$500,000 the first year and \$500,000 the
 25.21 second year are for permitting efficiency and
 25.22 updating rules to reflect guidelines, bulletins,
 25.23 criterion, manual standards, interpretive
 25.24 statements, or similar pronouncements used
 25.25 in permits.

25.26 (c) The base for the general fund in fiscal year
 25.27 2020 is \$500,000.

25.28 **Subd. 9. Pass Through Funds** 320,000 320,000

25.29	<u>Appropriations by Fund</u>		
25.30		<u>2018</u>	<u>2019</u>
25.31	<u>Natural Resources</u>	<u>320,000</u>	<u>320,000</u>
25.32	<u>\$320,000 the first year and \$320,000 the</u>		
25.33	<u>second year are from the natural resources</u>		
25.34	<u>fund for grants to be divided equally between</u>		

26.1 the city of St. Paul for the Como Park Zoo and
 26.2 Conservatory and the city of Duluth for the
 26.3 Duluth Zoo. This appropriation is from the
 26.4 revenue deposited to the natural resources fund
 26.5 under Minnesota Statutes, section 297A.94,
 26.6 paragraph (e), clause (5).

26.7 **Subd. 10. Cancellation**

26.8 The remaining amount of the general fund
 26.9 appropriation in Laws 2016, chapter 189,
 26.10 article 3, section 3, subdivision 3, for a grant
 26.11 to the Koronis Lake Association, estimated to
 26.12 be \$167,000, is canceled on June 30, 2017.

26.13 This subdivision is effective the day following
 26.14 final enactment.

26.15 **Sec. 4. BOARD OF WATER AND SOIL**
 26.16 **RESOURCES**

\$ 13,589,000 \$ 13,589,000

26.17 (a) \$3,423,000 the first year and \$3,423,000
 26.18 the second year are for natural resources block
 26.19 grants to local governments. Grants must be
 26.20 matched with a combination of local cash or
 26.21 in-kind contributions. The base grant portion
 26.22 related to water planning must be matched by
 26.23 an amount as specified by Minnesota Statutes,
 26.24 section 103B.3369. The board may reduce the
 26.25 amount of the natural resources block grant
 26.26 to a county by an amount equal to any
 26.27 reduction in the county's general services
 26.28 allocation to a soil and water conservation
 26.29 district from the county's previous year
 26.30 allocation when the board determines that the
 26.31 reduction was disproportionate.

26.32 (b) \$3,116,000 the first year and \$3,116,000
 26.33 the second year are for grants to soil and water
 26.34 conservation districts for the purposes of

27.1 Minnesota Statutes, sections 103C.321 and
27.2 103C.331, and for general purposes, nonpoint
27.3 engineering, and implementation and
27.4 stewardship of the reinvest in Minnesota
27.5 reserve program. Expenditures may be made
27.6 from these appropriations for supplies and
27.7 services benefiting soil and water conservation
27.8 districts. Any district receiving a payment
27.9 under this paragraph shall maintain a Web
27.10 page that publishes, at a minimum, its annual
27.11 report, annual audit, annual budget, and
27.12 meeting notices.

27.13 (c) \$1,560,000 the first year and \$1,560,000
27.14 the second year are for the following
27.15 cost-share programs:

27.16 (1) \$260,000 each year is for feedlot
27.17 water-quality grants for feedlots under 300
27.18 animal units and nutrient and manure
27.19 management projects in watersheds where
27.20 there are impaired waters;

27.21 (2) \$1,200,000 each year is for soil and water
27.22 conservation district cost-sharing contracts for
27.23 perennially vegetated riparian buffers, erosion
27.24 control, water retention and treatment, and
27.25 other high-priority conservation practices; and

27.26 (3) \$100,000 each year is for county
27.27 cooperative weed management programs and
27.28 to restore native plants in selected invasive
27.29 species management sites.

27.30 (d) \$300,000 the first year is for improving
27.31 the efficiency and effectiveness of Minnesota's
27.32 wetland regulatory programs through
27.33 continued examination of United States Clean
27.34 Water Act section 404 assumption including

28.1 negotiation of draft agreements with the
28.2 United States Environmental Protection
28.3 Agency and the United States Army Corps of
28.4 Engineers, planning for an online permitting
28.5 system, upgrading the existing wetland
28.6 banking database, and developing an in-lieu
28.7 fee wetland banking program as authorized
28.8 by statute. This is a onetime appropriation.

28.9 (e) \$166,000 the first year and \$166,000 the
28.10 second year are to provide technical assistance
28.11 to local drainage management officials and
28.12 for the costs of the Drainage Work Group.

28.13 (f) \$100,000 the first year and \$100,000 the
28.14 second year are for a grant to the Red River
28.15 Basin Commission for water quality and
28.16 floodplain management, including
28.17 administration of programs. This appropriation
28.18 must be matched by nonstate funds. If the
28.19 appropriation in either year is insufficient, the
28.20 appropriation in the other year is available for
28.21 it.

28.22 (g) \$140,000 the first year and \$140,000 the
28.23 second year are for grants to Area II
28.24 Minnesota River Basin Projects for floodplain
28.25 management.

28.26 (h) \$125,000 the first year and \$125,000 the
28.27 second year are for conservation easement
28.28 stewardship.

28.29 (i) Notwithstanding Minnesota Statutes,
28.30 section 103C.501, the board may shift
28.31 cost-share funds in this section and may adjust
28.32 the technical and administrative assistance
28.33 portion of the grant funds to leverage federal
28.34 or other nonstate funds or to address

30.1	<u>Appropriations by Fund</u>			
30.2		<u>2018</u>	<u>2019</u>	
30.3	<u>General</u>	<u>455,000</u>	<u>455,000</u>	
30.4	<u>Natural Resources</u>	<u>490,000</u>	<u>490,000</u>	
30.5	<u>Conservation Corps Minnesota may receive</u>			
30.6	<u>money appropriated from the natural resources</u>			
30.7	<u>fund under this section only as provided in an</u>			
30.8	<u>agreement with the commissioner of natural</u>			
30.9	<u>resources.</u>			
30.10	Sec. 7. <u>ZOOLOGICAL BOARD</u>		<u>\$ 8,910,000</u>	<u>\$ 8,910,000</u>
30.11	<u>Appropriations by Fund</u>			
30.12		<u>2018</u>	<u>2019</u>	
30.13	<u>General</u>	<u>8,750,000</u>	<u>8,750,000</u>	
30.14	<u>Natural Resources</u>	<u>160,000</u>	<u>160,000</u>	
30.15	<u>\$160,000 the first year and \$160,000 the</u>			
30.16	<u>second year are from the natural resources</u>			
30.17	<u>fund from the revenue deposited under</u>			
30.18	<u>Minnesota Statutes, section 297A.94,</u>			
30.19	<u>paragraph (e), clause (5).</u>			
30.20	<u>The base for the general fund in fiscal year</u>			
30.21	<u>2020 and later is \$10,006,000.</u>			
30.22	Sec. 8. <u>SCIENCE MUSEUM</u>		<u>\$ 1,079,000</u>	<u>\$ 1,079,000</u>
30.23	Sec. 9. <u>ADMINISTRATION</u>		<u>\$ 800,000</u>	<u>\$ 300,000</u>
30.24	<u>(a) \$300,000 the first year and \$300,000 the</u>			
30.25	<u>second year are from the state forest suspense</u>			
30.26	<u>account in the permanent school fund for the</u>			
30.27	<u>school trust lands director. This appropriation</u>			
30.28	<u>is to be used for securing long-term economic</u>			
30.29	<u>return from the school trust lands consistent</u>			
30.30	<u>with fiduciary responsibilities and sound</u>			
30.31	<u>natural resources conservation and</u>			
30.32	<u>management principles.</u>			

31.1 (b) \$500,000 the first year is from the state
 31.2 forest suspense account in the permanent
 31.3 school fund for the school trust lands director
 31.4 to initiate the private sale of surplus school
 31.5 trust lands identified according to Minnesota
 31.6 Statutes, section 92.82, paragraph (d),
 31.7 including but not limited to valuation
 31.8 expenses, legal fees, and transactional staff
 31.9 costs. This is a onetime appropriation and is
 31.10 available until June 30, 2019.

31.11 **Sec. 10. EXPLORE MINNESOTA TOURISM \$ 14,248,000 \$ 14,248,000**

31.12 (a) To develop maximum private sector
 31.13 involvement in tourism, \$500,000 the first
 31.14 year and \$500,000 the second year must be
 31.15 matched by Explore Minnesota Tourism from
 31.16 nonstate sources. Each \$1 of state incentive
 31.17 must be matched with \$6 of private sector
 31.18 funding. Cash match is defined as revenue to
 31.19 the state or documented cash expenditures
 31.20 directly expended to support Explore
 31.21 Minnesota Tourism programs. Up to one-half
 31.22 of the private sector contribution may be in
 31.23 kind or soft match. The incentive in fiscal year
 31.24 2018 is based on fiscal year 2017 private
 31.25 sector contributions. The incentive in fiscal
 31.26 year 2019 is based on fiscal year 2018 private
 31.27 sector contributions. This incentive is ongoing.

31.28 (b) Funding for marketing grants is available
 31.29 either year of the biennium. Unexpended grant
 31.30 funds from the first year are available in the
 31.31 second year.

31.32 (c) \$100,000 each year is for a grant to the
 31.33 Northern Lights International Music Festival.

32.1 Sec. 11. Laws 2016, chapter 189, article 3, section 6, is amended to read:

32.2 Sec. 6. **ADMINISTRATION** \$ 250,000 \$ -0-

32.3 \$250,000 the first year is from the state forest
 32.4 suspense account in the permanent school fund
 32.5 for the school trust lands director to initiate
 32.6 real estate development projects on school
 32.7 trust lands as determined by the school trust
 32.8 lands director. This is a onetime appropriation
 32.9 and is available until June 30, 2019.

32.10 **EFFECTIVE DATE.** This section is effective the day following final enactment.

32.11 **ARTICLE 2**

32.12 **ENVIRONMENT AND NATURAL RESOURCES STATUTORY CHANGES**

32.13 Section 1. Minnesota Statutes 2016, section 84.01, is amended by adding a subdivision
 32.14 to read:

32.15 Subd. 6. **Legal counsel.** The commissioner of natural resources may appoint attorneys
 32.16 or outside counsel to render title opinions, represent the department in severed mineral
 32.17 interest forfeiture actions brought pursuant to section 93.55, and, notwithstanding any statute
 32.18 to the contrary, represent the state in quiet title or title registration actions affecting land or
 32.19 interests in land administered by the commissioner.

32.20 Sec. 2. Minnesota Statutes 2016, section 84.027, subdivision 14a, is amended to read:

32.21 Subd. 14a. **Permitting efficiency; public notice.** (a) It is the goal of the state that
 32.22 environmental and resource management permits be issued or denied within 90 days for
 32.23 Tier 1 permits or 150 days for Tier 2 permits following submission of a permit application.
 32.24 The commissioner of natural resources shall establish management systems designed to
 32.25 achieve the goal.

32.26 (b) The commissioner shall prepare an annual permitting efficiency report that includes
 32.27 statistics on meeting the goal in paragraph (a) and the criteria for ~~Tier 1~~ and Tier 2 by permit
 32.28 categories. The report is due August 1 each year. For permit applications that have not met
 32.29 the goal, the report must state the reasons for not meeting the goal. In stating the reasons
 32.30 for not meeting the goal, the commissioner shall separately identify delays caused by the
 32.31 responsiveness of the proposer, lack of staff, scientific or technical disagreements, or the
 32.32 level of public engagement. The report must specify the number of days from initial

33.1 submission of the application to the day of determination that the application is complete.
 33.2 The report must aggregate the data for the year and assess whether program or system
 33.3 changes are necessary to achieve the goal. The report must be posted on the department's
 33.4 Web site and submitted to the governor and the chairs and ranking minority members of
 33.5 the house of representatives and senate committees having jurisdiction over natural resources
 33.6 policy and finance.

33.7 (c) The commissioner shall allow electronic submission of environmental review and
 33.8 permit documents to the department.

33.9 (d) ~~Beginning July 1, 2011,~~ Within 30 business days of application for a permit subject
 33.10 to paragraph (a), the commissioner of natural resources shall notify the ~~project proposer~~
 33.11 permit applicant, in writing, whether the application is complete or incomplete. If the
 33.12 commissioner determines that an application is incomplete, the notice to the applicant must
 33.13 enumerate all deficiencies, citing specific provisions of the applicable rules and statutes,
 33.14 and advise the applicant on how the deficiencies can be remedied. If the commissioner
 33.15 determines that the application is complete, the notice must confirm the application's Tier
 33.16 1 or Tier 2 permit status and, upon request of the permit applicant of an individual Tier 2
 33.17 permit, provide the permit applicant with a schedule for reviewing the permit application.
 33.18 This paragraph does not apply to an application for a permit that is subject to a grant or loan
 33.19 agreement under chapter 446A.

33.20 (e) When public notice of a draft individual Tier 2 permit is required, the commissioner
 33.21 must issue the notice with the draft permit within 150 days of receiving a completed permit
 33.22 application unless the permit applicant and the commissioner mutually agree to a different
 33.23 date. Upon request of the permit applicant, the commissioner must provide a copy of the
 33.24 draft permit to the permit applicant and consider comments on the draft permit from the
 33.25 permit applicant before issuing the public notice.

33.26 Sec. 3. Minnesota Statutes 2016, section 84.027, subdivision 14b, is amended to read:

33.27 Subd. 14b. **Expediting costs; reimbursement.** Permit applicants ~~who wish to construct,~~
 33.28 ~~reconstruct, modify, or operate a facility~~ needing any permit from the commissioner of
 33.29 natural resources to construct, reconstruct, or modify a project or to operate a facility may
 33.30 offer to reimburse the department for the reasonable costs of staff time or consultant services
 33.31 needed to expedite the preapplication process and permit development process through the
 33.32 final decision on the permit, including the analysis of environmental review documents.
 33.33 The reimbursement shall be in addition to permit application fees imposed by law. When
 33.34 the commissioner determines that additional resources are needed to develop the permit

34.1 application in an expedited manner, and that expediting the development is consistent with
 34.2 permitting program priorities, the commissioner may accept the reimbursement. The
 34.3 commissioner must give the permit applicant an estimate of costs for the expedited service
 34.4 to be incurred by the commissioner. The estimate must include a brief description of the
 34.5 tasks to be performed, a schedule for completing the tasks, and the estimated cost for each
 34.6 task. The proposer and the commissioner must enter into a written agreement detailing the
 34.7 estimated costs for the expedited service to be incurred by the department and any recourse
 34.8 available to the applicant if the department fails to comply with the schedule. The agreement
 34.9 must also identify staff anticipated to be assigned to the project and describe the
 34.10 commissioner's commitment to making assigned staff available for the project until the
 34.11 permit decision is made. The commissioner must not issue a permit until the applicant has
 34.12 paid all fees in full. The commissioner must refund any unobligated balance of fees paid.
 34.13 Reimbursements accepted by the commissioner are appropriated to the commissioner for
 34.14 the purpose of developing the permit or analyzing environmental review documents.
 34.15 Reimbursement by a permit applicant shall precede and not be contingent upon issuance of
 34.16 a permit; shall not affect the commissioner's decision on whether to issue or deny a permit,
 34.17 what conditions are included in a permit, or the application of state and federal statutes and
 34.18 rules governing permit determinations; and shall not affect final decisions regarding
 34.19 environmental review.

34.20 Sec. 4. Minnesota Statutes 2016, section 84.027, is amended by adding a subdivision to
 34.21 read:

34.22 **Subd. 14c. Irrevocability, suspensions, or expiration of permits; environmental**
 34.23 **review.** (a) If, by July 1 of an odd-numbered year, legislation has not been enacted to
 34.24 appropriate money to the commissioner of natural resources for environmental review and
 34.25 permitting activities of the Department of Natural Resources:

34.26 (1) a permit granted by the commissioner may not be terminated or suspended for the
 34.27 term of the permit nor shall it expire without the consent of the permittee, except for breach
 34.28 or nonperformance of any condition of the permit by the permittee that is an imminent threat
 34.29 to impair or destroy the environment or injure the health, safety, or welfare of the citizens
 34.30 of the state; and

34.31 (2) environmental review and permit application work on environmental review and
 34.32 permits filed before July 1 of that year must not be suspended or terminated.

34.33 (b) Paragraph (a), clause (1), applies until legislation appropriating money to the
 34.34 commissioner for the environmental review and permitting activities is enacted.

35.1 Sec. 5. Minnesota Statutes 2016, section 84.027, is amended by adding a subdivision to
35.2 read:

35.3 Subd. 14d. **Unadopted rules.** The commissioner of natural resources must not seek to
35.4 implement in a permit or enforce a penalty based upon a department policy, guideline,
35.5 bulletin, criterion, manual standard, interpretive statement, or similar pronouncement if the
35.6 policy, guideline, bulletin, criterion, manual standard, interpretive standard, or pronouncement
35.7 has not been adopted under the rulemaking process under chapter 14. In any proceeding
35.8 under section 14.381, the commissioner has the burden of proving the action is not prohibited.

35.9 Sec. 6. Minnesota Statutes 2016, section 84.788, subdivision 2, is amended to read:

35.10 Subd. 2. **Exemptions.** Registration is not required for off-highway motorcycles:

35.11 (1) owned and used by the United States, an Indian tribal government, the state, another
35.12 state, or a political subdivision;

35.13 (2) registered in another state or country that have not been within this state for more
35.14 than 30 consecutive days;

35.15 (3) registered under chapter 168, when operated on forest roads to gain access to a state
35.16 forest campground;

35.17 (4) used exclusively in organized track racing events;

35.18 (5) operated on state or grant-in-aid trails by a nonresident possessing a nonresident
35.19 off-highway motorcycle state trail pass; ~~or~~

35.20 (6) operated by a person participating in an event for which the commissioner has issued
35.21 a special use permit; or

35.22 (7) operated on boundary trails and registered in another state or country providing equal
35.23 reciprocal registration or licensing exemptions for registrants of this state.

35.24 Sec. 7. Minnesota Statutes 2016, section 84.793, subdivision 1, is amended to read:

35.25 Subdivision 1. **Prohibitions on youthful operators.** (a) A person six years or older but
35.26 less than 16 years of age operating an off-highway motorcycle on public lands or waters
35.27 must possess a valid off-highway motorcycle safety certificate issued by the commissioner.

35.28 (b) Except for operation on public road rights-of-way that is permitted under section
35.29 84.795, subdivision 1, a driver's license issued by the state or another state is required to
35.30 operate an off-highway motorcycle along or on a public road right-of-way.

36.1 (c) A person under 12 years of age may not:

36.2 (1) make a direct crossing of a public road right-of-way;

36.3 (2) operate an off-highway motorcycle on a public road right-of-way in the state; or

36.4 (3) operate an off-highway motorcycle on public lands or waters unless accompanied
36.5 by a person 18 years of age or older or participating in an event for which the commissioner
36.6 has issued a special use permit.

36.7 (d) Except for public road rights-of-way of interstate highways, a person less than 16
36.8 years of age may make a direct crossing of a public road right-of-way of a trunk, county
36.9 state-aid, or county highway only if that person is accompanied by a person 18 years of age
36.10 or older who holds a valid driver's license.

36.11 (e) A person less than 16 years of age may operate an off-highway motorcycle on public
36.12 road rights-of-way in accordance with section 84.795, subdivision 1, paragraph (a), only if
36.13 that person is accompanied by a person 18 years of age or older who holds a valid driver's
36.14 license.

36.15 (f) Notwithstanding paragraph (a), a nonresident less than 16 years of age may operate
36.16 an off-highway motorcycle on public lands or waters if the nonresident youth has in
36.17 possession evidence of completing an off-road safety course offered by the Motorcycle
36.18 Safety Foundation or another state as provided in section 84.791, subdivision 4.

36.19 Sec. 8. Minnesota Statutes 2016, section 84.82, subdivision 2, is amended to read:

36.20 Subd. 2. **Application, issuance, issuing fee.** (a) Application for registration or
36.21 reregistration shall be made to the commissioner or an authorized deputy registrar of motor
36.22 vehicles in a format prescribed by the commissioner and shall state the legal name and
36.23 address of every owner of the snowmobile.

36.24 (b) A person who purchases a snowmobile from a retail dealer shall make application
36.25 for registration to the dealer at the point of sale. The dealer shall issue a dealer temporary
36.26 21-day registration permit to each purchaser who applies to the dealer for registration. The
36.27 temporary permit must contain the dealer's identification number and phone number. Each
36.28 retail dealer shall submit completed registration and fees to the deputy registrar at least once
36.29 a week. No fee may be charged by a dealer to a purchaser for providing the temporary
36.30 permit.

36.31 (c) Upon receipt of the application and the appropriate fee, the commissioner or deputy
36.32 registrar shall issue to the applicant, or provide to the dealer, an assigned registration number

37.1 or a commissioner or deputy registrar temporary 21-day permit. Once issued, the registration
 37.2 number must be affixed to the snowmobile in a clearly visible and permanent manner for
 37.3 enforcement purposes as the commissioner of natural resources shall prescribe. A dealer
 37.4 subject to paragraph (b) shall provide the registration materials or temporary permit to the
 37.5 purchaser within the temporary 21-day permit period. The registration is not valid unless
 37.6 signed by at least one owner.

37.7 (d) Each deputy registrar of motor vehicles acting pursuant to section 168.33, shall also
 37.8 be a deputy registrar of snowmobiles. The commissioner of natural resources in agreement
 37.9 with the commissioner of public safety may prescribe the accounting and procedural
 37.10 requirements necessary to assure efficient handling of registrations and registration fees.
 37.11 Deputy registrars shall strictly comply with these accounting and procedural requirements.

37.12 (e) ~~A fee of \$2~~ In addition to ~~that otherwise~~ other fees prescribed by law ~~shall be charged~~
 37.13 ~~for~~, an issuing fee of \$4.50 is charged for each snowmobile registration renewal, duplicate
 37.14 or replacement registration card, and replacement decal and an issuing fee of \$7 is charged
 37.15 for each snowmobile registration and registration transfer issued by:

37.16 (1) ~~each snowmobile registered by the~~ a registrar or a deputy registrar and the additional
 37.17 ~~fee shall be disposed of~~ must be deposited in the manner provided in section 168.33,
 37.18 subdivision 2; or

37.19 (2) ~~each snowmobile registered by the commissioner and the additional fee shall~~ must
 37.20 be deposited in the state treasury and credited to the snowmobile trails and enforcement
 37.21 account in the natural resources fund.

37.22 Sec. 9. Minnesota Statutes 2016, section 84.925, subdivision 1, is amended to read:

37.23 Subdivision 1. **Program established.** (a) The commissioner shall establish a
 37.24 comprehensive all-terrain vehicle environmental and safety education and training program,
 37.25 including the preparation and dissemination of vehicle information and safety advice to the
 37.26 public, the training of all-terrain vehicle operators, and the issuance of all-terrain vehicle
 37.27 safety certificates to vehicle operators over the age of 12 years who successfully complete
 37.28 the all-terrain vehicle environmental and safety education and training course. A parent or
 37.29 guardian must be present at the hands-on training portion of the program for youth who are
 37.30 six through ten years of age.

37.31 (b) For the purpose of administering the program and to defray the expenses of training
 37.32 and certifying vehicle operators, the commissioner shall collect a fee from each person who
 37.33 receives the training. The commissioner shall collect a fee, to include a \$1 issuing fee for

38.1 licensing agents, for issuing a duplicate all-terrain vehicle safety certificate. The
38.2 commissioner shall establish both fees in a manner that neither significantly overrecovers
38.3 nor underrecovers costs, including overhead costs, involved in providing the services. The
38.4 fees are not subject to the rulemaking provisions of chapter 14 and section 14.386 does not
38.5 apply. The fees may be established by the commissioner notwithstanding section 16A.1283.
38.6 Fee proceeds, except for the issuing fee for licensing agents under this subdivision, shall
38.7 be deposited in the all-terrain vehicle account in the natural resources fund and the amount
38.8 thereof, except for the electronic licensing system commission established by the
38.9 commissioner under section 84.027, subdivision 15, and issuing fees collected by the
38.10 commissioner, is appropriated annually to the Enforcement Division of the Department of
38.11 Natural Resources for the administration of the programs. In addition to the fee established
38.12 by the commissioner, instructors may charge each person up to the established fee amount
38.13 for class materials and expenses.

38.14 (c) The commissioner shall cooperate with private organizations and associations, private
38.15 and public corporations, and local governmental units in furtherance of the program
38.16 established under this section. School districts may cooperate with the commissioner and
38.17 volunteer instructors to provide space for the classroom portion of the training. The
38.18 commissioner shall consult with the commissioner of public safety in regard to training
38.19 program subject matter and performance testing that leads to the certification of vehicle
38.20 operators. The commissioner shall incorporate a riding component in the safety education
38.21 and training program.

38.22 Sec. 10. Minnesota Statutes 2016, section 84.9256, subdivision 1, is amended to read:

38.23 Subdivision 1. **Prohibitions on youthful operators.** (a) Except for operation on public
38.24 road rights-of-way that is permitted under section 84.928 and as provided under paragraph
38.25 (j), a driver's license issued by the state or another state is required to operate an all-terrain
38.26 vehicle along or on a public road right-of-way.

38.27 (b) A person under 12 years of age shall not:

38.28 (1) make a direct crossing of a public road right-of-way;

38.29 (2) operate an all-terrain vehicle on a public road right-of-way in the state; or

38.30 (3) operate an all-terrain vehicle on public lands or waters, except as provided in
38.31 paragraph (f).

38.32 (c) Except for public road rights-of-way of interstate highways, a person 12 years of age
38.33 but less than 16 years may make a direct crossing of a public road right-of-way of a trunk,

39.1 county state-aid, or county highway or operate on public lands and waters or state or
39.2 grant-in-aid trails, only if that person possesses a valid all-terrain vehicle safety certificate
39.3 issued by the commissioner and is accompanied by a person 18 years of age or older who
39.4 holds a valid driver's license.

39.5 (d) To be issued an all-terrain vehicle safety certificate, a person at least 12 years old,
39.6 but less than 16 years old, must:

39.7 (1) successfully complete the safety education and training program under section 84.925,
39.8 subdivision 1, including a riding component; and

39.9 (2) be able to properly reach and control the handle bars and reach the foot pegs while
39.10 sitting upright on the seat of the all-terrain vehicle.

39.11 (e) A person at least ~~14~~ six years of age may take the safety education and training
39.12 program and may receive an all-terrain vehicle safety certificate under paragraph (d), but
39.13 the certificate is not valid until the person reaches age 12.

39.14 (f) A person at least ten years of age but under 12 years of age may operate an all-terrain
39.15 vehicle with an engine capacity up to ~~90cc~~ 110cc if the vehicle is a class 1 all-terrain vehicle
39.16 with straddle-style seating or up to 170cc if the vehicle is a class 1 all-terrain vehicle with
39.17 side-by-side-style seating on public lands or waters if accompanied by a parent or legal
39.18 guardian.

39.19 (g) A person under 15 years of age shall not operate a class 2 all-terrain vehicle.

39.20 (h) A person under the age of 16 may not operate an all-terrain vehicle on public lands
39.21 or waters or on state or grant-in-aid trails if the person cannot properly reach and control:

39.22 (1) the handle bars and reach the foot pegs while sitting upright on the seat of the
39.23 all-terrain vehicle with straddle-style seating; or

39.24 (2) the steering wheel and foot controls of a class 1 all-terrain vehicle with
39.25 side-by-side-style seating while sitting upright in the seat with the seat belt fully engaged.

39.26 (i) Notwithstanding paragraph (c), a nonresident at least 12 years old, but less than 16
39.27 years old, may make a direct crossing of a public road right-of-way of a trunk, county
39.28 state-aid, or county highway or operate an all-terrain vehicle on public lands and waters or
39.29 state or grant-in-aid trails if:

39.30 (1) the nonresident youth has in possession evidence of completing an all-terrain safety
39.31 course offered by the ATV Safety Institute or another state as provided in section 84.925,
39.32 subdivision 3; and

40.1 (2) the nonresident youth is accompanied by a person 18 years of age or older who holds
40.2 a valid driver's license.

40.3 (j) A person 12 years of age but less than 16 years of age may operate an all-terrain
40.4 vehicle on the roadway, bank, slope, or ditch of a public road right-of-way as permitted
40.5 under section 84.928 if the person:

40.6 (1) possesses a valid all-terrain vehicle safety certificate issued by the commissioner;
40.7 and

40.8 (2) is accompanied by a parent or legal guardian on a separate all-terrain vehicle.

40.9 Sec. 11. Minnesota Statutes 2016, section 84.9256, subdivision 2, is amended to read:

40.10 Subd. 2. **Helmet and seat belts required.** (a) A person less than 18 years of age shall
40.11 not ride as a passenger or as an operator of an all-terrain vehicle on public land, public
40.12 waters, or on a public road right-of-way unless wearing a safety helmet approved by the
40.13 commissioner of public safety.

40.14 (b) A person less than 18 years of age shall not ride as a passenger or as an operator of
40.15 ~~a class 2~~ an all-terrain vehicle without wearing a seat belt when provided by the manufacturer.

40.16 Sec. 12. Minnesota Statutes 2016, section 84.946, subdivision 2, is amended to read:

40.17 Subd. 2. **Standards.** (a) An appropriation for asset preservation may be used only for a
40.18 capital expenditure on a capital asset previously owned by the state, within the meaning of
40.19 generally accepted accounting principles as applied to public expenditures. The commissioner
40.20 of natural resources will consult with the commissioner of management and budget to the
40.21 extent necessary to ensure this and will furnish the commissioner of management and budget
40.22 a list of projects to be financed from the account in order of their priority. The legislature
40.23 assumes that many projects for preservation and replacement of portions of existing capital
40.24 assets will constitute betterments and capital improvements within the meaning of the
40.25 Constitution and capital expenditures under generally accepted accounting principles, and
40.26 will be financed more efficiently and economically under this section than by direct
40.27 appropriations for specific projects.

40.28 (b) An appropriation for asset preservation must not be used to acquire land or to acquire
40.29 or construct buildings or other facilities.

40.30 (c) Capital budget expenditures for natural resource asset preservation and replacement
40.31 projects must be for one or more of the following types of capital projects that support the
40.32 existing programmatic mission of the department: code compliance including health and

41.1 safety, Americans with Disabilities Act requirements, hazardous material abatement, access
41.2 improvement, or air quality improvement; building energy efficiency improvements using
41.3 current best practices; building or infrastructure repairs necessary to preserve the interior
41.4 and exterior of existing buildings; projects to remove life safety hazards such as building
41.5 code violations or structural defects; or renovation of other existing improvements to land,
41.6 including but not limited to trails and bridges.

41.7 (d) Up to ten percent of an appropriation awarded under this section may be used for
41.8 design costs for projects eligible to be funded from this account in anticipation of future
41.9 funding from the account.

41.10 Sec. 13. Minnesota Statutes 2016, section 84.946, is amended by adding a subdivision to
41.11 read:

41.12 Subd. 4. **Priorities; report.** The commissioner of natural resources must establish
41.13 priorities for natural resource asset preservation and replacement projects. By January 15
41.14 each year, the commissioner must submit to the commissioner of management and budget
41.15 a list of the projects that have been paid for with money from a natural resource asset
41.16 preservation and replacement appropriation during the preceding calendar year.

41.17 Sec. 14. Minnesota Statutes 2016, section 84.992, subdivision 3, is amended to read:

41.18 Subd. 3. **Training and mentoring.** The commissioner must develop and implement a
41.19 training program that adequately prepares Minnesota Naturalist Corps members for the
41.20 tasks assigned. Each corps member ~~shall be~~ is assigned ~~a state park~~ an interpretive naturalist
41.21 as a mentor.

41.22 Sec. 15. Minnesota Statutes 2016, section 84.992, subdivision 4, is amended to read:

41.23 Subd. 4. **Uniform ~~patch~~ pin.** Uniforms worn by members of the Minnesota Naturalist
41.24 Corps must have a ~~patch~~ pin that includes the name of the Minnesota Naturalist Corps and
41.25 information that the program is funded by the clean water, land, and legacy amendment to
41.26 the Minnesota Constitution adopted by the voters in November 2008.

41.27 Sec. 16. Minnesota Statutes 2016, section 84.992, subdivision 5, is amended to read:

41.28 Subd. 5. **Eligibility.** A person is eligible to enroll in the Minnesota Naturalist Corps if
41.29 the person:

41.30 (1) is a permanent resident of the state;

42.1 (2) is a participant in an approved college internship program ~~or has a postsecondary~~
42.2 ~~degree~~ in a field related to natural resource resources, cultural history, interpretation, or
42.3 ~~conservation related field~~; and

42.4 (3) has completed at least one year of postsecondary education.

42.5 Sec. 17. Minnesota Statutes 2016, section 84.992, subdivision 6, is amended to read:

42.6 Subd. 6. **Corps member status.** Minnesota Naturalist Corps members are not eligible
42.7 for unemployment benefits ~~if their services are excluded under section 268.035, subdivision~~
42.8 ~~20~~, and are not eligible for other benefits except workers' compensation. The corps members
42.9 are not employees of the state within the meaning of section 43A.02, subdivision 21.

42.10 Sec. 18. Minnesota Statutes 2016, section 84D.03, subdivision 3, is amended to read:

42.11 Subd. 3. **Bait harvest from infested waters.** (a) Taking wild animals from infested
42.12 waters for bait or aquatic farm purposes is prohibited, except as provided in paragraph (b),
42.13 (c), or (d), and section 97C.341.

42.14 (b) In waters that are listed as infested waters, except those listed as infested with
42.15 prohibited invasive species of fish or certifiable diseases of fish, as defined under section
42.16 17.4982, subdivision 6, taking wild animals may be permitted for:

42.17 (1) commercial taking of wild animals for bait and aquatic farm purposes as provided
42.18 in a permit issued under section 84D.11, subject to rules adopted by the commissioner; and

42.19 (2) bait purposes for noncommercial personal use in waters that contain Eurasian
42.20 watermilfoil, when the infested waters are listed solely because they contain Eurasian
42.21 watermilfoil and if the equipment for taking is limited to cylindrical minnow traps not
42.22 exceeding 16 inches in diameter and 32 inches in length.

42.23 (c) In streams or rivers that are listed as infested waters, except those listed as infested
42.24 with certifiable diseases of fish, as defined under section 17.4982, subdivision 6, the harvest
42.25 of bullheads, goldeyes, mooneyes, sheepshead (freshwater drum), and suckers for bait by
42.26 hook and line for noncommercial personal use is allowed as follows:

42.27 (1) fish taken under this paragraph must be used on the same body of water where caught
42.28 and while still on that water body. Where the river or stream is divided by barriers such as
42.29 dams, the fish must be caught and used on the same section of the river or stream;

42.30 (2) fish taken under this paragraph may not be transported live from or off the water
42.31 body;

43.1 (3) fish harvested under this paragraph may only be used in accordance with this section;

43.2 (4) any other use of wild animals used for bait from infested waters is prohibited;

43.3 (5) fish taken under this paragraph must meet all other size restrictions and requirements
43.4 as established in rules; and

43.5 (6) all species listed under this paragraph shall be included in the person's daily limit as
43.6 established in rules, if applicable.

43.7 (d) In the Mississippi River downstream of St. Anthony Falls and the St. Croix River
43.8 downstream of the dam at Taylors Falls, including portions described as
43.9 Minnesota-Wisconsin boundary waters in Minnesota Rules, part 6266.0500, subpart 1, items
43.10 A and B, the harvest of gizzard shad by cast net for noncommercial personal use as bait for
43.11 angling, as provided in a permit issued under section 84D.11, is allowed as follows:

43.12 (1) nontarget species must immediately be returned to the water;

43.13 (2) gizzard shad taken under this paragraph must be used on the same body of water
43.14 where caught and while still on that water body. Where the river is divided by barriers such
43.15 as dams, the gizzard shad must be caught and used on the same section of the river;

43.16 (3) gizzard shad taken under this paragraph may not be transported off the water body;
43.17 and

43.18 (4) gizzard shad harvested under this paragraph may only be used in accordance with
43.19 this section.

43.20 This paragraph expires December 1, 2017.

43.21 (e) Equipment authorized for minnow harvest in a listed infested water by permit issued
43.22 under paragraph (b) may not be transported to, or used in, any waters other than waters
43.23 specified in the permit.

43.24 (f) Bait intended for sale may not be held in infested water after taking and before sale,
43.25 unless authorized under a license or permit according to Minnesota Rules, part 6216.0500.

43.26 Sec. 19. Minnesota Statutes 2016, section 84D.03, subdivision 4, is amended to read:

43.27 Subd. 4. **Commercial fishing and turtle, frog, and crayfish harvesting restrictions**
43.28 **in infested and noninfested waters.** (a) All nets, traps, buoys, anchors, stakes, and lines
43.29 used for commercial fishing or turtle, frog, or crayfish harvesting in an infested water that
43.30 is listed because it contains invasive fish, invertebrates, or certifiable diseases, as defined
43.31 in section 17.4982, ~~may not be used in any other waters. If a commercial licensee operates~~

44.1 ~~in an infested water listed because it contains invasive fish, invertebrates, or certifiable~~
44.2 ~~diseases, as defined in section 17.4982, all nets, traps, buoys, anchors, stakes, and lines used~~
44.3 ~~for commercial fishing or turtle, frog, or crayfish harvesting in waters listed as infested with~~
44.4 ~~invasive fish, invertebrates, or certifiable diseases, as defined in section 17.4982, must be~~
44.5 tagged with tags provided by the commissioner, as specified in the commercial licensee's
44.6 license or permit. Tagged gear must not be used in water bodies other than those specified
44.7 in the license or permit. The permit may authorize department staff to remove tags after the
44.8 gear is decontaminated. This tagging requirement does not apply to commercial fishing
44.9 equipment used in Lake Superior.

44.10 (b) All nets, traps, buoys, anchors, stakes, and lines used for commercial fishing or turtle,
44.11 frog, or crayfish harvesting in an infested water that is listed solely because it contains
44.12 Eurasian watermilfoil must be dried for a minimum of ten days or frozen for a minimum
44.13 of two days before they are used in any other waters, except as provided in this paragraph.
44.14 Commercial licensees must notify the department's regional or area fisheries office or a
44.15 conservation officer before removing nets or equipment from an infested water listed solely
44.16 because it contains Eurasian watermilfoil and before resetting those nets or equipment in
44.17 any other waters. Upon notification, the commissioner may authorize a commercial licensee
44.18 to move nets or equipment to another water without freezing or drying, if that water is listed
44.19 as infested solely because it contains Eurasian watermilfoil.

44.20 (c) A commercial licensee must remove all aquatic macrophytes from nets and other
44.21 equipment before placing the equipment into waters of the state.

44.22 (d) The commissioner shall provide a commercial licensee with a current listing of listed
44.23 infested waters at the time that a license or permit is issued.

44.24 Sec. 20. Minnesota Statutes 2016, section 84D.04, subdivision 1, is amended to read:

44.25 Subdivision 1. **Classes.** The commissioner shall, as provided in this chapter, classify
44.26 nonnative species of aquatic plants and wild animals, including subspecies, genotypes,
44.27 cultivars, hybrids, or genera of nonnative species, according to the following categories:

44.28 (1) prohibited invasive species, which may not be possessed, imported, purchased, sold,
44.29 propagated, transported, or introduced except as provided in section 84D.05;

44.30 (2) regulated invasive species, which may not be introduced except as provided in section
44.31 84D.07;

44.32 (3) unlisted nonnative species, which are subject to the classification procedure in section
44.33 84D.06; and

45.1 (4) unregulated nonnative species, which are not subject to regulation under this chapter.

45.2 Sec. 21. Minnesota Statutes 2016, section 84D.05, subdivision 1, is amended to read:

45.3 Subdivision 1. **Prohibited activities.** A person may not possess, import, purchase, sell,
45.4 propagate, transport, or introduce a prohibited invasive species, except:

45.5 (1) under a permit issued by the commissioner under section 84D.11;

45.6 (2) in the case of purple loosestrife, as provided by sections 18.75 to 18.88;

45.7 (3) under a restricted species permit issued under section 17.457;

45.8 (4) when being transported to the department, or another destination as the commissioner
45.9 may direct, in a sealed container for purposes of identifying the species or reporting the
45.10 presence of the species;

45.11 (5) when being transported for disposal as part of a harvest or control activity when
45.12 specifically authorized under a permit issued by the commissioner according to section
45.13 103G.615, when being transported for disposal as specified under a commercial fishing
45.14 license issued by the commissioner according to section 97A.418, 97C.801, 97C.811,
45.15 97C.825, 97C.831, or 97C.835, or when being transported as specified by the commissioner;

45.16 (6) when being removed from watercraft and equipment, or caught while angling, and
45.17 immediately returned to the water from which they came; ~~or~~

45.18 (7) when being transported from riparian property to a legal disposal site that is at least
45.19 100 feet from any surface water, ditch, or seasonally flooded land, provided the prohibited
45.20 invasive species are in a covered commercial vehicle specifically designed and used for
45.21 hauling trash; or

45.22 ~~(7)~~ (8) as the commissioner may otherwise prescribe by rule.

45.23 Sec. 22. Minnesota Statutes 2016, section 84D.108, subdivision 2a, is amended to read:

45.24 Subd. 2a. **Lake Minnetonka pilot study.** (a) The commissioner may issue an additional
45.25 permit to service providers to return to Lake Minnetonka water-related equipment with
45.26 zebra mussels attached after the equipment has been seasonally stored, serviced, or repaired.
45.27 The permit must include verification and documentation requirements and any other
45.28 conditions the commissioner deems necessary.

45.29 (b) Water-related equipment with zebra mussels attached may be returned only to Lake
45.30 Minnetonka (DNR Division of Waters number 27-0133) by service providers permitted
45.31 under subdivision 1.

46.1 (c) The service provider's place of business must be within the Lake Minnetonka
46.2 Conservation District as established according to sections 103B.601 to 103B.645 or within
46.3 a municipality immediately bordering the Lake Minnetonka Conservation District's
46.4 boundaries.

46.5 (d) A service provider applying for a permit under this subdivision must, if approved
46.6 for a permit and before the permit is valid, furnish a corporate surety bond in favor of the
46.7 state for \$50,000 payable upon violation of this chapter while the service provider is acting
46.8 under a permit issued according to this subdivision.

46.9 (e) This subdivision expires December 1, ~~2018~~ 2019.

46.10 Sec. 23. Minnesota Statutes 2016, section 84D.108, is amended by adding a subdivision
46.11 to read:

46.12 Subd. 2b. **Gull Lake pilot study.** (a) The commissioner may include an additional
46.13 targeted pilot study to include water-related equipment with zebra mussels attached for the
46.14 Gull Narrows State Water Access Site, Government Point State Water Access Site, and
46.15 Gull East State Water Access Site on Gull Lake (DNR Division of Waters number 11-0305)
46.16 in Cass and Crow Wing Counties using the same authorities, general procedures, and
46.17 requirements provided for the Lake Minnetonka pilot project in subdivision 2a. Lake service
46.18 providers participating in the Gull Lake targeted pilot study place of business must be located
46.19 in Cass or Crow Wing County.

46.20 (b) If an additional targeted pilot project for Gull Lake is implemented under this section,
46.21 the report to the chairs and ranking minority members of the senate and house of
46.22 representatives committees having jurisdiction over natural resources required under Laws
46.23 2016, chapter 189, article 3, section 48, must also include the Gull Lake targeted pilot study
46.24 recommendations and assessments.

46.25 (c) This subdivision expires December 1, 2019.

46.26 Sec. 24. Minnesota Statutes 2016, section 84D.11, is amended by adding a subdivision to
46.27 read:

46.28 Subd. 1a. **Permit for invasive carp.** The commissioner may issue a permit to
46.29 departmental divisions for tagging bighead, black, grass, or silver carp for research or
46.30 control. Under the permit, the carp may be released into the water body from which the carp
46.31 was captured. This subdivision expires December 31, 2021.

47.1 Sec. 25. [85.0507] FORT RIDGELY GOLF COURSE; GOLF CARTS.

47.2 Golf carts may be operated on the golf course portion of Fort Ridgely State Park when
47.3 the golf course is operated by a nonstate entity.

47.4 Sec. 26. Minnesota Statutes 2016, section 85.052, subdivision 1, is amended to read:

47.5 Subdivision 1. **Authority to establish.** (a) The commissioner may establish, by written
47.6 order, provisions for the use of state parks for the following:

47.7 (1) special parking space for automobiles or other motor-driven vehicles in a state park
47.8 or state recreation area;

47.9 (2) special parking spurs, campgrounds for automobiles, sites for tent camping, other
47.10 types of lodging, camping, or day use facilities, and special auto trailer coach parking spaces,
47.11 for the use of the individual charged for the space or facility;

47.12 (3) improvement and maintenance of golf courses already established in state parks, and
47.13 charging reasonable use fees; and

47.14 (4) providing water, sewer, and electric service to trailer or tent campsites and charging
47.15 a reasonable use fee.

47.16 (b) Provisions established under paragraph (a) are exempt from section 16A.1283 and
47.17 the rulemaking provisions of chapter 14. Section 14.386 does not apply.

47.18 (c) For the purposes of this subdivision, "lodging" means an enclosed shelter, room, or
47.19 building with furnishings for overnight use.

47.20 Sec. 27. Minnesota Statutes 2016, section 85.054, is amended by adding a subdivision to
47.21 read:

47.22 Subd. 19. **Fort Ridgely golf course.** A state park permit is not required and a fee may
47.23 not be charged for motor vehicle entry or parking for persons using only the golf course
47.24 portion of Fort Ridgely State Park when the golf course is operated by a nonstate entity.

47.25 Sec. 28. Minnesota Statutes 2016, section 85.055, subdivision 1, is amended to read:

47.26 Subdivision 1. **Fees.** The fee for state park permits for:

47.27 (1) an annual use of state parks is ~~\$25~~ \$35;

47.28 (2) a second or subsequent vehicle state park permit is ~~\$18~~ \$26;

47.29 (3) a state park permit valid for one day is ~~\$5~~ \$7;

48.1 (4) a daily vehicle state park permit for groups is ~~\$3~~ \$5;

48.2 (5) an annual permit for motorcycles is ~~\$20~~ \$30;

48.3 (6) an employee's state park permit is without charge; and

48.4 (7) a state park permit for persons with disabilities under section 85.053, subdivision 7,
48.5 paragraph (a), clauses (1) to (3), is \$12.

48.6 The fees specified in this subdivision include any sales tax required by state law.

48.7 Sec. 29. Minnesota Statutes 2016, section 85.22, subdivision 2a, is amended to read:

48.8 Subd. 2a. **Receipts, appropriation.** All receipts derived from the rental or sale of state
48.9 park items, tours at ~~Forestville Mystery Cave State Park~~, interpretation programs, educational
48.10 programs, and operation of Douglas Lodge shall be deposited in the state treasury and be
48.11 credited to the state parks working capital account. Receipts and expenses from Douglas
48.12 Lodge shall be tracked separately within the account. Money in the account is annually
48.13 appropriated for the purchase and payment of expenses attributable to items for resale or
48.14 rental and operation of Douglas Lodge. Any excess receipts in this account are annually
48.15 appropriated for state park management and interpretive programs.

48.16 Sec. 30. Minnesota Statutes 2016, section 85.32, subdivision 1, is amended to read:

48.17 Subdivision 1. ~~Areas marked~~ **Designation.** (a) The commissioner of natural resources
48.18 is authorized in cooperation with local units of government and private individuals and
48.19 groups when feasible to mark designate and manage state water trails on the Lake Superior
48.20 water trail under section 85.0155 and on the following rivers, which have historic,
48.21 recreational, and scenic values: Little Fork, Big Fork, Minnesota, St. Croix, Snake,
48.22 Mississippi, Red Lake, Cannon, Straight, Des Moines, Crow Wing, St. Louis, Pine, Rum,
48.23 Kettle, Cloquet, Root, Zumbro, Pomme de Terre within Swift County, Watonwan,
48.24 Cottonwood, Whitewater, Chippewa from Benson in Swift County to Montevideo in
48.25 Chippewa County, Long Prairie, Red River of the North, Sauk, Otter Tail, Redwood, Blue
48.26 Earth, Cedar, Shell Rock, and Vermilion in St. Louis County, North Fork of the Crow, and
48.27 South Fork of the Crow Rivers, which have historic and scenic values, and to mark
48.28 appropriately. The commissioner may map and sign points of interest, public water access
48.29 sites, portages, camp sites, and all dams, rapids, waterfalls, whirlpools, and other serious
48.30 hazards that are dangerous to canoe, kayak, and watercraft travelers. The commissioner
48.31 may maintain passageway for watercraft on state water trails.

49.1 (b) The commissioner must establish designation criteria and a process for designating
 49.2 water trails. The designation criteria and process established under this paragraph apply to
 49.3 water trails designated on water bodies added to paragraph (a) after the effective date of
 49.4 this act.

49.5 Sec. 31. [85.47] SPECIAL USE PERMITS; FEES.

49.6 Fees collected for special use permits to use state trails not on state forest, state park, or
 49.7 state recreation area lands and for use of state water access sites must be deposited in the
 49.8 natural resources fund.

49.9 Sec. 32. Minnesota Statutes 2016, section 86B.313, subdivision 1, is amended to read:

49.10 Subdivision 1. **General requirements.** (a) In addition to requirements of other laws
 49.11 relating to watercraft, a person may not operate or permit the operation of a personal
 49.12 watercraft:

49.13 (1) without each person on board the personal watercraft wearing a ~~United States Coast~~
 49.14 ~~Guard (USCG)-approved~~ wearable personal flotation device ~~with a~~ that is approved by the
 49.15 United States Coast Guard (USCG) and has a USCG label indicating ~~if~~ the flotation device
 49.16 either is approved for or does not prohibit use with personal watercraft ~~or water skiing~~;

49.17 (2) between one hour before sunset and 9:30 a.m.;

49.18 (3) at greater than slow-no wake speed within 150 feet of:

49.19 (i) a shoreline;

49.20 (ii) a dock;

49.21 (iii) a swimmer;

49.22 (iv) a raft used for swimming or diving; or

49.23 (v) a moored, anchored, or nonmotorized watercraft;

49.24 (4) while towing a person on water skis, a kneeboard, an inflatable craft, or any other
 49.25 device unless:

49.26 (i) an observer is on board; or

49.27 (ii) the personal watercraft is equipped with factory-installed or factory-specified
 49.28 accessory mirrors that give the operator a wide field of vision to the rear;

50.1 (5) without the lanyard-type engine cutoff switch being attached to the person, clothing,
 50.2 or personal flotation device of the operator, if the personal watercraft is equipped by the
 50.3 manufacturer with such a device;

50.4 (6) if any part of the spring-loaded throttle mechanism has been removed, altered, or
 50.5 tampered with so as to interfere with the return-to-idle system;

50.6 (7) to chase or harass wildlife;

50.7 (8) through emergent or floating vegetation at other than a slow-no wake speed;

50.8 (9) in a manner that unreasonably or unnecessarily endangers life, limb, or property,
 50.9 including weaving through congested watercraft traffic, jumping the wake of another
 50.10 watercraft within 150 feet of the other watercraft, or operating the watercraft while facing
 50.11 backwards;

50.12 (10) in any other manner that is not reasonable and prudent; or

50.13 (11) without a personal watercraft rules decal, issued by the commissioner, attached to
 50.14 the personal watercraft so as to be in full view of the operator.

50.15 (b) Paragraph (a), clause (3), does not apply to a person operating a personal watercraft
 50.16 to launch or land a person on water skis, a kneeboard, or similar device by the most direct
 50.17 route to open water.

50.18 Sec. 33. Minnesota Statutes 2016, section 86B.511, is amended to read:

50.19 **86B.511 LIGHTS.**

50.20 Subdivision 1. Navigation lights. Except as provided in section 169.541, a watercraft
 50.21 using the waters of this state, when underway or in use between sunset and sunrise, must
 50.22 carry and display the navigation lights prescribed by the commissioner for the watercraft.

50.23 Subd. 2. Other lights. (a) No person may operate a watercraft with lights that are not
 50.24 navigation lights required under subdivision 1, that are visible on the exterior of the
 50.25 watercraft, and that:

50.26 (1) interfere with the visibility of navigation lights; or

50.27 (2) are red, green, or blue.

50.28 (b) Notwithstanding paragraph (a), watercraft operated for government-sanctioned public
 50.29 safety activities may display an alternately flashing red and yellow light signal for
 50.30 identification. The lights must not interfere with the visibility of the navigation lights. No

51.1 special privilege is granted. Operators must not presume that the light or exigency gives
 51.2 them precedence or right-of-way.

51.3 (c) Notwithstanding paragraph (a), law enforcement may operate watercraft with lights
 51.4 that are flashing blue when engaged in law enforcement activities. The lights must not
 51.5 interfere with the visibility of the navigation lights.

51.6 Sec. 34. Minnesota Statutes 2016, section 86B.701, subdivision 3, is amended to read:

51.7 Subd. 3. **Allocation of funding.** (a) Notwithstanding section 16A.41, expenditures
 51.8 directly related to each appropriation's purpose made on or after January 1 of the fiscal year
 51.9 in which the grant is made or the date of work plan approval, whichever is later, are eligible
 51.10 for reimbursement unless otherwise provided.

51.11 (b) The amount of funds to be allocated under subdivisions 1 and 2 and shall be
 51.12 determined by the commissioner on the basis of the following criteria:

51.13 (1) the number of watercraft using the waters wholly or partially within the county;

51.14 (2) the number of watercraft using particular bodies of water, wholly or partially within
 51.15 the county, in relation to the size of the body of water and the type, speed, and size of the
 51.16 watercraft utilizing the water body;

51.17 (3) the amount of water acreage wholly or partially within the county;

51.18 (4) the overall performance of the county in the area of boat and water safety;

51.19 (5) special considerations, such as volume of transient or nonresident watercraft use,
 51.20 number of rental watercraft, extremely large bodies of water wholly or partially in the
 51.21 county; or

51.22 (6) any other factor as determined by the commissioner.

51.23 ~~(b)~~ (c) The commissioner may require reports from the counties, make appropriate
 51.24 surveys or studies, or utilize local surveys or studies to determine the criteria required in
 51.25 allocation funds.

51.26 Sec. 35. Minnesota Statutes 2016, section 88.01, subdivision 28, is amended to read:

51.27 Subd. 28. **Prescribed burn.** "Prescribed burn" means a fire that is intentionally ignited,
 51.28 managed, and controlled for the purpose of managing forests, prairies, or wildlife habitats
 51.29 by an entity meeting certification requirements established by the commissioner ~~for the~~
 51.30 ~~purpose of managing vegetation.~~ A prescribed burn that has exceeded its prescribed

52.1 boundaries and requires immediate suppression action by a local fire department or other
 52.2 agency with wildfire suppression responsibilities is considered a wildfire.

52.3 Sec. 36. Minnesota Statutes 2016, section 88.523, is amended to read:

52.4 **88.523 AUXILIARY FOREST CONTRACTS; SUPPLEMENTAL AGREEMENTS.**

52.5 Upon application of the owner, any auxiliary forest contract may be made subject to any
 52.6 provisions of law enacted subsequent to the execution of the contract and in force at the
 52.7 time of application, so far as not already applicable, with the approval of the county board
 52.8 and the commissioner of natural resources. A supplemental agreement in a ~~form~~ format
 52.9 prescribed by the commissioner ~~and approved by the attorney general~~ must be executed by
 52.10 the commissioner in behalf of the state and by the owner. The supplemental agreement must
 52.11 be filed and recorded in like manner as the supplemental contract under section 88.49,
 52.12 subdivision 9, and takes effect upon filing and recording.

52.13 Sec. 37. Minnesota Statutes 2016, section 89.39, is amended to read:

52.14 **89.39 PURCHASE AGREEMENTS AND PENALTIES.**

52.15 Every individual, partnership, or private corporation to whom any planting stock is
 52.16 supplied for planting on private land ~~hereunder shall~~ under sections 89.35 to 89.39 must
 52.17 execute an agreement, upon a form in a format approved by the attorney general
 52.18 commissioner, to comply with all the requirements of sections 89.35 to 89.39 and all
 52.19 conditions prescribed by the commissioner hereunder thereunder. Any party to such an
 52.20 agreement who ~~shall violate any provision thereof shall,~~ violates the agreement is, in addition
 52.21 to any other penalties that may be applicable, ~~be~~ is liable to the state in a sum equal to three
 52.22 times the reasonable value of the trees affected by the violation at the time the ~~same~~ trees
 52.23 were shipped for planting; provided, that if ~~such~~ the trees are sold or offered for sale for
 52.24 any purpose not ~~herein~~ authorized, ~~such~~ under sections 89.35 to 89.39, the penalty shall be
 52.25 is equal to three times the sale price. ~~Such~~ The penalties ~~shall be~~ are recoverable in a civil
 52.26 action brought in the name of the state by the attorney general.

52.27 Sec. 38. Minnesota Statutes 2016, section 90.01, is amended by adding a subdivision to
 52.28 read:

52.29 Subd. 1a. **Affiliate.** "Affiliate" means a person that:

52.30 (1) controls, is controlled by, or is under common control with any other person including,
 52.31 without limitation, a partner, business entity with common ownership, or principal of any
 52.32 business entity or a subsidiary, parent company, or holding company of any person; or

53.1 (2) bids as a representative for another person.

53.2 Sec. 39. Minnesota Statutes 2016, section 90.01, subdivision 8, is amended to read:

53.3 Subd. 8. **Permit holder.** "Permit holder" means the person or affiliate of the person who
53.4 is the signatory of a permit to cut timber on state lands.

53.5 Sec. 40. Minnesota Statutes 2016, section 90.01, subdivision 12, is amended to read:

53.6 Subd. 12. **Responsible bidder.** "Responsible bidder" means a person or affiliate of a
53.7 person who is financially responsible; demonstrates the judgment, skill, ability, capacity,
53.8 and integrity requisite and necessary to perform according to the terms of a permit issued
53.9 under this chapter; and is not currently debarred by ~~another~~ a government entity for any
53.10 cause.

53.11 Sec. 41. Minnesota Statutes 2016, section 90.041, subdivision 2, is amended to read:

53.12 Subd. 2. **Trespass on state lands.** The commissioner may compromise and settle, ~~with~~
53.13 ~~notification to the attorney general~~, upon terms the commissioner deems just, any claim of
53.14 the state for casual and involuntary trespass upon state lands or timber; provided that no
53.15 claim shall be settled for less than the full value of all timber or other materials taken in
53.16 casual trespass or the full amount of all actual damage or loss suffered by the state as a
53.17 result. Upon request, the commissioner shall advise the Executive Council of any information
53.18 acquired by the commissioner concerning any trespass on state lands, giving all details and
53.19 names of witnesses and all compromises and settlements made under this subdivision.

53.20 Sec. 42. Minnesota Statutes 2016, section 90.051, is amended to read:

53.21 **90.051 SUPERVISION OF SALES; BOND.**

53.22 The department employee delegated to supervise state timber appraisals and sales shall
53.23 be bonded in a form to be prescribed by the ~~attorney general~~ commissioner and in the sum
53.24 of not less than \$25,000, conditioned upon the faithful and honest performance of duties.

53.25 Sec. 43. Minnesota Statutes 2016, section 90.101, subdivision 2, is amended to read:

53.26 Subd. 2. **Sale list and notice.** At least 30 days before the date of sale, the commissioner
53.27 shall compile a list containing a description of each tract of land upon which any timber to
53.28 be offered is situated and a statement of the estimated quantity of timber and of the appraised
53.29 price of each kind of timber thereon as shown by the report of the state appraiser. No
53.30 description shall be added after the list is posted and no timber shall be sold from land not

54.1 described in the list. Copies of the list ~~shall~~ must be furnished to all interested applicants.
54.2 At least 30 days before the date of sale, a copy of the list shall must be posted on the Internet
54.3 or conspicuously posted in the forest office or other public facility most accessible to potential
54.4 bidders at least 30 days prior to the date of sale. The commissioner shall cause a notice to
54.5 be published once not less than one week before the date of sale in a legal newspaper in the
54.6 county or counties where the land is situated. The notice shall state the time and place of
54.7 the sale and the location at which further information regarding the sale may be obtained.
54.8 The commissioner may give other published or posted notice as the commissioner deems
54.9 proper to reach prospective bidders.

54.10 Sec. 44. Minnesota Statutes 2016, section 90.14, is amended to read:

54.11 **90.14 AUCTION SALE PROCEDURE.**

54.12 (a) All state timber shall be offered and sold by the same unit of measurement as it was
54.13 appraised. No tract shall be sold to any person other than the ~~purchaser~~ responsible bidder
54.14 in whose name the bid was made. The commissioner may refuse to approve any and all bids
54.15 received and cancel a sale of state timber for good and sufficient reasons.

54.16 (b) The purchaser at any sale of timber shall, immediately upon the approval of the bid,
54.17 or, if unsold at public auction, at the time of purchase at a subsequent sale under section
54.18 90.101, subdivision 1, pay to the commissioner a down payment of 15 percent of the
54.19 appraised value. In case any purchaser fails to make such payment, the purchaser shall be
54.20 liable therefor to the state in a civil action, and the commissioner may reoffer the timber
54.21 for sale as though no bid or sale under section 90.101, subdivision 1, therefor had been
54.22 made.

54.23 (c) In lieu of the scaling of state timber required by this chapter, a purchaser of state
54.24 timber may, at the time of payment by the purchaser to the commissioner of 15 percent of
54.25 the appraised value, elect in ~~writing on a form~~ format prescribed by the ~~attorney general~~
54.26 commissioner to purchase a permit based solely on the appraiser's estimate of the volume
54.27 of timber described in the permit, provided that the commissioner has expressly designated
54.28 the availability of such option for that tract on the list of tracts available for sale as required
54.29 under section 90.101. A purchaser who elects in ~~writing on a form~~ format prescribed by the
54.30 ~~attorney general~~ commissioner to purchase a permit based solely on the appraiser's estimate
54.31 of the volume of timber described on the permit does not have recourse to the provisions
54.32 of section 90.281.

54.33 (d) In the case of a public auction sale conducted by a sealed bid process, tracts shall be
54.34 awarded to the high bidder, who shall pay to the commissioner a down payment of 15

55.1 percent of the appraised value that must be received or postmarked within 14 days of the
55.2 date of the sealed bid opening. If a purchaser fails to make the down payment, the purchaser
55.3 is liable for the down payment to the state and the commissioner may offer the timber for
55.4 sale to the next highest bidder as though no higher bid had been made.

55.5 (e) Except as otherwise provided by law, at the time the purchaser signs a permit issued
55.6 under section 90.151, the commissioner shall require the purchaser to make a bid guarantee
55.7 payment to the commissioner in an amount equal to 15 percent of the total purchase price
55.8 of the permit less the down payment amount required by paragraph (b) for any bid increase
55.9 in excess of \$10,000 of the appraised value. If a required bid guarantee payment is not
55.10 submitted with the signed permit, no harvesting may occur, the permit cancels, and the
55.11 down payment for timber forfeits to the state. The bid guarantee payment forfeits to the
55.12 state if the purchaser and successors in interest fail to execute an effective permit.

55.13 Sec. 45. Minnesota Statutes 2016, section 90.145, subdivision 2, is amended to read:

55.14 Subd. 2. **Purchaser registration.** To facilitate the sale of permits issued under section
55.15 90.151, the commissioner may establish a registration system to verify the qualifications
55.16 of a person or affiliate as a responsible bidder to purchase a timber permit. Any system
55.17 implemented by the commissioner shall be limited in scope to only that information that is
55.18 required for the efficient administration of the purchaser qualification requirements of this
55.19 chapter. The registration system established under this subdivision is not subject to the
55.20 rulemaking provisions of chapter 14 and section 14.386 does not apply.

55.21 Sec. 46. Minnesota Statutes 2016, section 90.151, subdivision 1, is amended to read:

55.22 Subdivision 1. **Issuance; expiration.** (a) Following receipt of the down payment for
55.23 state timber required under section 90.14 or 90.191, the commissioner shall issue a numbered
55.24 permit to the purchaser, in a ~~form~~ format approved by the ~~attorney general~~ commissioner,
55.25 by the terms of which the purchaser ~~shall be~~ is authorized to enter upon the land; and to cut
55.26 and remove the timber ~~therein~~ described in the permit as designated for cutting in the report
55.27 of the state appraiser, according to the provisions of this chapter. The permit ~~shall~~ must be
55.28 correctly dated and executed by the commissioner and signed by the purchaser. If a permit
55.29 is not signed by the purchaser within 45 days from the date of purchase, the permit cancels
55.30 and the down payment for timber required under section 90.14 forfeits to the state. The
55.31 commissioner may grant an additional period for the purchaser to sign the permit, not to
55.32 exceed ten business days, provided the purchaser pays a \$200 penalty fee.

56.1 (b) The permit ~~shall expire~~ expires no later than five years after the date of sale as the
 56.2 commissioner shall specify or as specified under section 90.191, and the timber ~~shall~~ must
 56.3 be cut and removed within the time specified ~~therein~~. If additional time is needed, the permit
 56.4 holder must request, ~~prior to~~ before the expiration date, and may be granted, for good and
 56.5 sufficient reasons, up to 90 additional days for the completion of skidding, hauling, and
 56.6 removing all equipment and buildings. All cut timber, equipment, and buildings not removed
 56.7 from the land after expiration of the permit becomes the property of the state.

56.8 (c) The commissioner may grant ~~an~~ additional ~~period of~~ time not to exceed 240 days
 56.9 for ~~the removal of~~ removing cut timber, equipment, and buildings upon receipt of a written
 56.10 request by the permit holder for good and sufficient reasons. The permit holder may combine
 56.11 in the written request under this paragraph the request for additional time under paragraph
 56.12 (b).

56.13 Sec. 47. Minnesota Statutes 2016, section 90.162, is amended to read:

56.14 **90.162 SECURING TIMBER PERMITS WITH CUTTING BLOCKS.**

56.15 In lieu of the security deposit equal to the value of all timber covered by the permit
 56.16 required by section 90.161, a purchaser of state timber may elect in ~~writing on a form~~ format
 56.17 prescribed by the ~~attorney general~~ commissioner to give good and valid surety to the state
 56.18 of Minnesota equal to the purchase price for any designated cutting block identified on the
 56.19 permit before the date the purchaser enters upon the land to begin harvesting the timber on
 56.20 the designated cutting block.

56.21 Sec. 48. Minnesota Statutes 2016, section 90.252, is amended to read:

56.22 **90.252 SCALING AGREEMENT; WEIGHT MEASUREMENT SERVICES;**
 56.23 **FEES.**

56.24 Subdivision 1. **Scaling agreement.** The commissioner may enter into an agreement with
 56.25 either a timber sale permittee, or the purchaser of the cut products, or both, so that the scaling
 56.26 of the cut timber and the collection of the payment for the same can be consummated by
 56.27 the state. ~~Such an~~ The agreement shall must be approved as to form and content by the
 56.28 ~~attorney general~~ commissioner and ~~shall~~ must provide for a bond or cash in lieu of a bond
 56.29 and ~~such~~ other safeguards as are necessary to protect the interests of the state. The scaling
 56.30 and payment collection procedure may be used for any state timber sale, except that no
 56.31 permittee who is also the consumer shall both cut and scale the timber sold unless ~~such~~ the
 56.32 scaling is supervised by a state scaler.

57.1 Subd. 2. **Weight measurement services; fees.** The commissioner may enter into an
 57.2 agreement with the owner or operator of any weight scale inspected, tested, and approved
 57.3 under chapter 239 to provide weight measurements for the scaling of state timber according
 57.4 to section 90.251. The agreement ~~shall~~ must be ~~on a form~~ in a format prescribed by the
 57.5 ~~attorney general~~ commissioner, ~~shall become a~~ becomes part of the official record of any
 57.6 state timber permit so scaled, and ~~shall~~ must contain safeguards that are necessary to protect
 57.7 the interests of the state. Except as otherwise provided by the commissioner, the cost of any
 57.8 agreement to provide weight measurement of state timber ~~shall~~ must be paid by the permit
 57.9 holder of any state timber permit so measured and the cost ~~shall~~ must be included in the
 57.10 statement of the amount due for the permit under section 90.181, subdivision 1.

57.11 Sec. 49. Minnesota Statutes 2016, section 93.47, subdivision 4, is amended to read:

57.12 Subd. 4. **Administration and enforcement.** The commissioner shall administer and
 57.13 enforce sections 93.44 to 93.51 and the rules adopted pursuant hereto. In so doing the
 57.14 commissioner may (1) conduct such investigations and inspections as the commissioner
 57.15 deems necessary for the proper administration of sections 93.44 to 93.51; (2) enter upon
 57.16 any parts of the mining areas in connection with any such investigation and inspection
 57.17 without liability to the operator or landowner provided that reasonable prior notice of
 57.18 intention to do so shall have been given the operator or landowner; (3) conduct such research
 57.19 or enter into contracts related to mining areas and the reclamation thereof as may be necessary
 57.20 to carry out the provisions of sections 93.46 to 93.50; and (4) allocate surplus wetland credits
 57.21 that are approved by the commissioner under a permit to mine on or after July 1, 1991, and
 57.22 that are not otherwise deposited in a state wetland bank.

57.23 Sec. 50. Minnesota Statutes 2016, section 93.481, subdivision 2, is amended to read:

57.24 Subd. 2. **Commissioner's review; hearing; burden of proof.** Within 120 days after
 57.25 receiving the an application, ~~or after receiving additional information requested, or after~~
 57.26 ~~holding a hearing as provided in this section~~ the commissioner has deemed complete and
 57.27 filed, the commissioner shall grant the permit applied for, with or without modifications or
 57.28 conditions, or deny the application unless a contested case hearing is requested under section
 57.29 93.483. If written objections to the proposed application are filed with the commissioner
 57.30 ~~within 30 days after the last publication required pursuant to this section or within seven~~
 57.31 ~~days after publication in the case of an application to conduct lean ore stockpile removal,~~
 57.32 ~~by any person owning property which will be affected by the proposed operation or by any~~
 57.33 ~~federal, state, or local governmental agency having responsibilities affected by the proposed~~
 57.34 ~~operations, a public hearing shall be held by the commissioner in the locality of the proposed~~

58.1 ~~operations within 30 days of receipt of such written objections and after appropriate notice~~
58.2 ~~and publication of the date, time, and location of the hearing.~~ The commissioner's decision
58.3 to grant the permit, with or without modifications, or deny the application constitutes a final
58.4 order for purposes of section 93.50. The commissioner in granting a permit with or without
58.5 modifications shall determine that the reclamation or restoration planned for the operation
58.6 complies with lawful requirements and can be accomplished under available technology
58.7 and that a proposed reclamation or restoration technique is practical and workable under
58.8 available technology. The commissioner may hold public meetings on the application.

58.9 Sec. 51. **[93.483] CONTESTED CASE.**

58.10 Subdivision 1. **Petition for contested case hearing.** Any person owning property that
58.11 is adjacent to the proposed operation or any federal, state, or local government having
58.12 responsibilities affected by the proposed operation identified in the application for a permit
58.13 to mine under section 93.481 may file a petition with the commissioner to hold a contested
58.14 case hearing on the completed application. To be considered by the commissioner, a petition
58.15 must be submitted in writing, must contain the information specified in subdivision 2, and
58.16 must be submitted to the commissioner within 30 days after the application is deemed
58.17 complete and filed. In addition, the commissioner may, on the commissioner's own motion,
58.18 order a contested case hearing on the completed application.

58.19 Subd. 2. **Petition contents.** (a) A petition for a contested case hearing must include the
58.20 following information:

58.21 (1) a statement of reasons or proposed findings supporting the commissioner's decision
58.22 to hold a contested case hearing pursuant to the criteria in subdivision 3; and

58.23 (2) a statement of the issues proposed to be addressed by a contested case hearing and
58.24 the specific relief requested or resolution of the matter.

58.25 (b) To the extent known by the petitioner, a petition for a contested case hearing may
58.26 also include:

58.27 (1) a proposed list of prospective witnesses to be called, including experts, with a brief
58.28 description of the proposed testimony or a summary of evidence to be presented at a contested
58.29 case hearing;

58.30 (2) a proposed list of publications, references, or studies to be introduced and relied
58.31 upon at a contested case hearing; and

58.32 (3) an estimate of time required for the petitioner to present the matter at a contested
58.33 case hearing.

59.1 (c) A petitioner is not bound or limited to the witnesses, materials, or estimated time
59.2 identified in the petition if the requested contested case is granted by the commissioner.

59.3 (d) Any person may serve timely responses to a petition for a contested case hearing.
59.4 The commissioner shall establish deadlines for responses to be submitted.

59.5 Subd. 3. **Commissioner's decision to hold hearing.** The commissioner may grant the
59.6 petition to hold a contested case hearing or order upon the commissioner's own motion that
59.7 a contested case hearing be held if the commissioner finds that:

59.8 (1) there is a material issue of fact in dispute concerning the completed application before
59.9 the commissioner;

59.10 (2) the commissioner has jurisdiction to make a determination on the disputed material
59.11 issue of fact; and

59.12 (3) there is a reasonable basis underlying a disputed material issue of fact so that a
59.13 contested case hearing would allow the introduction of information that would aid the
59.14 commissioner in resolving the disputed facts in order to make a final decision on the
59.15 completed application.

59.16 Subd. 4. **Hearing upon demand of applicant.** If the commissioner denies an application,
59.17 the applicant may, within 30 days after receipt of the commissioner's order denying the
59.18 application, file a demand for a contested case.

59.19 Subd. 5. **Scope of hearing.** If the commissioner decides to hold a contested case hearing,
59.20 the commissioner shall identify the issues to be resolved and limit the scope and conduct
59.21 of the hearing in accordance with applicable law, due process, and fundamental fairness.
59.22 The commissioner may, before granting or ordering a contested case hearing, develop a
59.23 proposed permit or permit conditions to inform the contested case. The contested case
59.24 hearing must be conducted in accordance with sections 14.57 to 14.62. The final decision
59.25 by the commissioner to grant, with or without modifications or conditions, or deny the
59.26 application after a contested case shall constitute a final order for purposes of section 93.50.

59.27 Subd. 6. **Consistency with administrative rules.** The commissioner shall construe the
59.28 administrative procedures under Minnesota Rules, parts 6130.4800 and 6132.4000, in a
59.29 manner that is consistent with this section. To the extent any provision of Minnesota Rules,
59.30 parts 6130.4800 and 6132.4000, conflicts with this section, this section controls.

59.31 Sec. 52. Minnesota Statutes 2016, section 93.50, is amended to read:

59.32 **93.50 APPEAL.**

60.1 Any person aggrieved by any final order, ruling, or decision of the commissioner may
60.2 ~~appeal~~ seek judicial review of such order, ruling, or decision ~~in the manner provided in~~
60.3 ~~chapter 14~~ under sections 14.63 to 14.69.

60.4 Sec. 53. Minnesota Statutes 2016, section 94.343, subdivision 9, is amended to read:

60.5 Subd. 9. **Approval by ~~attorney general~~ commissioner.** No exchange of class A land
60.6 shall be consummated unless the ~~attorney general shall have given an opinion in writing~~
60.7 commissioner determines that the title to the land proposed to be conveyed to the state is
60.8 good and ~~marketable~~, free from all liens ~~and~~, with all encumbrances identified except
60.9 reservations herein authorized. The commissioner may use title insurance to aid in the title
60.10 determination. If required by the ~~attorney general~~ commissioner, the landowner ~~shall~~ must
60.11 submit an abstract of title and make and file with the commissioner an affidavit as to
60.12 possession of the land, improvements, liens, and encumbrances thereon, and other matters
60.13 affecting the title.

60.14 Sec. 54. Minnesota Statutes 2016, section 94.344, subdivision 9, is amended to read:

60.15 Subd. 9. **Approval of county attorney.** No exchange of class B land shall be
60.16 consummated unless the title to the land proposed to be exchanged therefor ~~shall~~ is first be
60.17 approved by the county attorney in like manner as provided for approval by the ~~attorney~~
60.18 ~~general~~ commissioner in case of class A land. The county attorney's opinion on the title
60.19 ~~shall be~~ is subject to approval by the ~~attorney general~~ commissioner.

60.20 Sec. 55. Minnesota Statutes 2016, section 97A.015, subdivision 39, is amended to read:

60.21 Subd. 39. **Protected wild animals.** "Protected wild animals" ~~are the following wild~~
60.22 ~~animals;~~ means big game, small game, game fish, rough fish, minnows, leeches, alewives,
60.23 ciscoes, chubs, ~~and~~ lake whitefish; and the subfamily Coregoninae, rainbow smelt, frogs,
60.24 turtles, clams, mussels, wolf, mourning doves, bats, snakes, salamanders, lizards, any animal
60.25 species listed as endangered, threatened, or of special concern in Minnesota Rules, chapter
60.26 6134, and wild animals that are protected by a restriction in the time or manner of taking,
60.27 other than a restriction in the use of artificial lights, poison, or motor vehicles.

60.28 Sec. 56. Minnesota Statutes 2016, section 97A.015, subdivision 43, is amended to read:

60.29 Subd. 43. **Rough fish.** "Rough fish" means carp, buffalo, sucker, sheepshead, bowfin,
60.30 burbot, cisco, gar, goldeye, and bullhead, except for any fish species listed as endangered,
60.31 threatened, or of special concern in Minnesota Rules, chapter 6134.

61.1 Sec. 57. Minnesota Statutes 2016, section 97A.015, subdivision 45, is amended to read:

61.2 Subd. 45. **Small game.** "Small game" means game birds, gray squirrel, fox squirrel,
61.3 cottontail rabbit, snowshoe hare, jack rabbit, raccoon, lynx, bobcat, short-tailed weasel,
61.4 long-tailed weasel, wolf, red fox and gray fox, fisher, pine marten, opossum, badger, cougar,
61.5 wolverine, muskrat, mink, otter, and beaver.

61.6 Sec. 58. Minnesota Statutes 2016, section 97A.015, subdivision 52, is amended to read:

61.7 Subd. 52. **Unprotected birds.** "Unprotected birds" means English sparrow, ~~blackbird,~~
61.8 starling, ~~maggie,~~ cormorant, common pigeon, Eurasian collared dove, chukar partridge,
61.9 quail other than bobwhite quail, and mute swan.

61.10 Sec. 59. Minnesota Statutes 2016, section 97A.015, subdivision 53, is amended to read:

61.11 Subd. 53. **Unprotected wild animals.** "Unprotected wild animals" means wild animals
61.12 that are not protected wild animals including ~~weasel,~~ coyote, plains pocket gopher, porcupine,
61.13 striped skunk, and unprotected birds, except any animal species listed as endangered,
61.14 threatened, or of special concern in Minnesota Rules, chapter 6134.

61.15 Sec. 60. Minnesota Statutes 2016, section 97A.045, subdivision 10, is amended to read:

61.16 Subd. 10. **Reciprocal agreements on violations.** The commissioner, ~~with the approval~~
61.17 ~~of the attorney general,~~ may enter into reciprocal agreements with game and fish authorities
61.18 in other states and the United States government to provide for:

61.19 (1) revocation of the appropriate Minnesota game and fish licenses of Minnesota residents
61.20 for violations of game and fish laws committed in signatory jurisdictions ~~which~~ that result
61.21 in license revocation in that jurisdiction;

61.22 (2) reporting convictions and license revocations of residents of signatory states for
61.23 violations of game and fish laws of Minnesota to game and fish authorities in the
61.24 nonresident's state of residence; and

61.25 (3) release upon signature without posting of bail for residents of signatory states accused
61.26 of game and fish law violations in this state, providing for recovery, in the resident
61.27 jurisdiction, of fines levied if the citation is not answered in this state.

61.28 As used in this subdivision, "conviction" includes a plea of guilty or a forfeiture of bail.

62.1 Sec. 61. Minnesota Statutes 2016, section 97A.075, subdivision 1, is amended to read:

62.2 Subdivision 1. **Deer, bear, and lifetime licenses.** (a) For purposes of this subdivision,
62.3 "deer license" means a license issued under section 97A.475, subdivisions 2, clauses (5),
62.4 (6), (7), (13), (14), and (15); 3, paragraph (a), clauses (2), (3), (4), (10), (11), and (12); and
62.5 8, paragraph (b), and licenses issued under section 97B.301, subdivision 4.

62.6 (b) \$2 from each annual deer license and \$2 annually from the lifetime fish and wildlife
62.7 trust fund, established in section 97A.4742, for each license issued under section 97A.473,
62.8 subdivision 4, shall be credited to the deer management account and is appropriated to the
62.9 commissioner for deer habitat improvement or deer management programs.

62.10 (c) \$1 from each annual deer license and each bear license and \$1 annually from the
62.11 lifetime fish and wildlife trust fund, established in section 97A.4742, for each license issued
62.12 under section 97A.473, subdivision 4, shall be credited to the deer and bear management
62.13 account and is appropriated to the commissioner for deer and bear management programs,
62.14 including a computerized licensing system.

62.15 (d) Fifty cents from each deer license is credited to the emergency deer feeding and wild
62.16 cervidae health management account and is appropriated for emergency deer feeding and
62.17 wild cervidae health management. Money appropriated for emergency deer feeding and
62.18 wild cervidae health management is available until expended.

62.19 When the unencumbered balance in the appropriation for emergency deer feeding and
62.20 wild cervidae health management exceeds \$2,500,000 at the end of a fiscal year, the
62.21 unencumbered balance in excess of \$2,500,000 is canceled and available for deer and bear
62.22 management programs and computerized licensing.

62.23 ~~(e) Fifty cents from each annual deer license and 50 cents annually from the lifetime~~
62.24 ~~fish and wildlife trust fund established in section 97A.4742, for each license issued under~~
62.25 ~~section 97A.473, subdivision 4, shall be credited to the wolf management and monitoring~~
62.26 ~~account under subdivision 7.~~

62.27 **EFFECTIVE DATE.** This section is effective July 1 of the year following the year the
62.28 wolf is delisted under the federal Endangered Species Act.

62.29 Sec. 62. Minnesota Statutes 2016, section 97A.137, subdivision 5, is amended to read:

62.30 Subd. 5. **Portable stands.** ~~Prior to the Saturday on or nearest September 16,~~ A portable
62.31 stand may be left overnight in a wildlife management area by a person with a valid bear
62.32 license ~~who is hunting within 100 yards of a bear bait site that is legally tagged and registered~~
62.33 ~~as prescribed under section 97B.425~~ to take big game during the respective season. Any

63.1 person leaving a portable stand overnight under this subdivision must affix a tag with: (1)
63.2 the person's name and address; (2) the licensee's driver's license number; or (3) the "MDNR#" MDNR#
63.3 license identification number issued to the licensee. The tag must be affixed to the stand in
63.4 a manner that it can be read from the ground and be made of a material sufficient to withstand
63.5 weather conditions. A person leaving a portable stand overnight in a wildlife management
63.6 area may not leave more than two portable stands in any one wildlife management area.

63.7 Sec. 63. Minnesota Statutes 2016, section 97A.201, subdivision 2, is amended to read:

63.8 Subd. 2. **Duty of ~~county attorneys and peace officers.~~ County attorneys and** All peace
63.9 officers must enforce the game and fish laws.

63.10 Sec. 64. Minnesota Statutes 2016, section 97A.201, is amended by adding a subdivision
63.11 to read:

63.12 Subd. 3. **Prosecuting authority.** (a) County attorneys are the primary prosecuting
63.13 authority for violations under section 97A.205, clause (5).

63.14 (b) Prosecution under paragraph (a) includes associated civil forfeiture actions provided
63.15 by law. Thirty percent of the net proceeds from the sale of forfeited property under section
63.16 97A.225 is considered a cost of forfeiting the property and must be forwarded to the
63.17 prosecuting authority that handled the forfeiture for deposit as a supplement to the authority's
63.18 operating fund or similar fund for prosecutorial purposes.

63.19 Sec. 65. Minnesota Statutes 2016, section 97A.301, subdivision 1, is amended to read:

63.20 Subdivision 1. **Misdemeanor.** Unless a different penalty is prescribed, a person is guilty
63.21 of a misdemeanor if that person:

63.22 (1) ~~takes, buys, sells, transports or possesses a wild animal in violation of~~ violates the
63.23 game and fish laws;

63.24 (2) aids or assists in committing the violation;

63.25 (3) knowingly shares in the proceeds of the violation;

63.26 (4) fails to perform a duty or comply with a requirement of the game and fish laws;

63.27 (5) knowingly makes a false statement related to an affidavit regarding a violation or
63.28 requirement of the game and fish laws; or

63.29 (6) violates or attempts to violate a rule under the game and fish laws.

64.1 Sec. 66. Minnesota Statutes 2016, section 97A.338, is amended to read:

64.2 **97A.338 GROSS OVERLIMITS OF WILD ANIMALS; PENALTY.**

64.3 (a) A person who takes, possesses, or transports wild animals over the legal limit, in
64.4 closed season, or without a valid license, when the restitution value of the wild animals is
64.5 over \$1,000 is guilty of a gross overlimit violation. Except as provided in paragraph (b), a
64.6 violation under this section paragraph is a gross misdemeanor.

64.7 (b) If a wild animal involved in a gross overlimit violation is listed as a threatened or
64.8 endangered wild animal, the penalty in paragraph (a) does not apply unless more than one
64.9 animal is taken, possessed, or transported in violation of the game and fish laws.

64.10 Sec. 67. Minnesota Statutes 2016, section 97A.420, subdivision 1, is amended to read:

64.11 Subdivision 1. **Seizure.** (a) An enforcement officer shall immediately seize the license
64.12 of a person who unlawfully takes, transports, or possesses wild animals when the restitution
64.13 value of the wild animals exceeds \$500. Except as provided in subdivisions 2, 4, and 5, the
64.14 person may not use or obtain any license to take the same type of wild animals involved,
64.15 including a duplicate license, until an action is taken under subdivision 6. If the license
64.16 seized under this paragraph was for a big game animal, the license seizure applies to all
64.17 licenses to take big game issued to the individual. If the license seized under this paragraph
64.18 was for small game animals, the license seizure applies to all licenses to take small game
64.19 issued to the individual.

64.20 (b) In addition to the license seizure under paragraph (a), if the restitution value of the
64.21 wild animals unlawfully taken, possessed, or transported is ~~\$5,000~~ \$1,000 or more, all other
64.22 game and fish licenses held by the person shall be immediately seized. Except as provided
64.23 in subdivision 2, 4, or 5, the person may not obtain any game or fish license or permit,
64.24 including a duplicate license, until an action is taken under subdivision 6.

64.25 (c) A person may not take wild animals covered by a license seized under this subdivision
64.26 until an action is taken under subdivision 6.

64.27 Sec. 68. Minnesota Statutes 2016, section 97A.421, subdivision 2a, is amended to read:

64.28 Subd. 2a. **Issuance after conviction; gross overlimits.** (a) A person may not obtain a
64.29 license to take a wild animal and is prohibited from taking wild animals for ten years after
64.30 the date of conviction of a violation when the restitution value of the wild animals is \$2,000
64.31 or more.

65.1 (b) A person may not obtain a license to take a wild animal and is prohibited from taking
65.2 wild animals for ~~a period of~~ five years after the date of conviction of:

65.3 (1) a violation when the restitution value of the wild animals is ~~\$5,000~~ \$1,000 or more,
65.4 but less than \$2,000; or

65.5 (2) a violation when the restitution value of the wild animals exceeds \$500 and the
65.6 violation occurs within ten years of one or more previous license revocations under this
65.7 subdivision.

65.8 ~~(b)~~ (c) A person may not obtain a license to take the type of wild animals involved in a
65.9 violation when the restitution value of the wild animals exceeds \$500 and is prohibited from
65.10 taking the type of wild animals involved in the violation for ~~a period of~~ three years after the
65.11 date of conviction of a violation.

65.12 ~~(e)~~ (d) The time period of multiple revocations under paragraph (a) or (b), clause (2),
65.13 ~~shall be~~ are consecutive and no wild animals of any kind may be taken during the entire
65.14 revocation period.

65.15 (e) If a wild animal involved in the conviction is listed as a threatened or endangered
65.16 wild animal, the revocations under this subdivision do not apply unless more than one animal
65.17 is taken, possessed, or transported in violation of the game and fish laws.

65.18 ~~(d)~~ (f) The court may not stay or reduce the imposition of license revocation provisions
65.19 under this subdivision.

65.20 Sec. 69. Minnesota Statutes 2016, section 97B.031, subdivision 6, is amended to read:

65.21 Subd. 6. ~~Scopes; age 60 or over.~~ A person ~~age 60 or over~~ may use a muzzleloader with
65.22 a scope to take deer during the muzzleloader season. The scope may have magnification
65.23 capabilities.

65.24 Sec. 70. **[97B.032] RULES LIMITING USE OF LEAD SHOT PROHIBITED.**

65.25 The commissioner of natural resources shall not adopt rules further restricting the use
65.26 of lead shot.

65.27 **EFFECTIVE DATE.** This section is effective the day following final enactment and
65.28 applies to rules adopted on or after that date.

65.29 Sec. 71. Minnesota Statutes 2016, section 97B.516, is amended to read:

65.30 **97B.516 ELK MANAGEMENT PLAN.**

66.1 (a) The commissioner of natural resources must adopt an elk management plan that:

66.2 (1) recognizes the value and uniqueness of elk;

66.3 (2) provides for integrated management of an elk population in harmony with the
66.4 environment; and

66.5 (3) affords optimum recreational opportunities.

66.6 (b) Notwithstanding paragraph (a), the commissioner must not manage an elk herd in
66.7 Kittson, Roseau, Marshall, or Beltrami Counties in a manner that would increase the size
66.8 of the herd, including adoption or implementation of an elk management plan designed to
66.9 increase an elk herd, unless the commissioner of agriculture verifies that crop and fence
66.10 damages paid under section 3.7371 and attributed to the herd have not increased for at least
66.11 two years.

66.12 (c) At least 60 days prior to implementing a plan to increase an elk herd, the
66.13 commissioners of natural resources and agriculture must hold a joint public meeting in the
66.14 county where the elk herd to be increased is located. At the meeting, the commissioners
66.15 must present evidence that crop and fence damages have not increased in the prior two years
66.16 and must detail the practices that will be used to reduce elk conflicts with area landowners.

66.17 Sec. 72. Minnesota Statutes 2016, section 97B.655, subdivision 1, is amended to read:

66.18 Subdivision 1. **Owners and occupants may take certain animals.** A person or the
66.19 person's agent may take bats, snakes, salamanders, lizards, weasel, mink, squirrel, rabbit,
66.20 hare, raccoon, bobcat, fox, opossum, muskrat, or beaver on land owned or occupied by the
66.21 person where the animal is causing damage. The person or the person's agent may take the
66.22 animal without a license and in any manner except by ~~poison, or~~ artificial lights in the closed
66.23 season or by poison. Raccoons may be taken under this subdivision with artificial lights
66.24 during open season. A person ~~that~~ or the person's agent who kills mink, raccoon, bobcat,
66.25 fox, opossum, muskrat, or beaver under this subdivision must notify a conservation officer
66.26 or employee of the Fish and Wildlife Division within 24 hours after the animal is killed.

66.27 Sec. 73. Minnesota Statutes 2016, section 97C.401, subdivision 2, is amended to read:

66.28 Subd. 2. **Walleye; northern pike.** ~~(a) Except as provided in paragraph (b),~~ A person
66.29 may have no more than one walleye larger than 20 inches ~~and one northern pike larger than~~
66.30 ~~30 inches~~ in possession. This subdivision does not apply to boundary waters.

66.31 ~~(b) The restrictions in paragraph (a) do not apply to boundary waters.~~

67.1 Sec. 74. Minnesota Statutes 2016, section 97C.501, subdivision 1, is amended to read:

67.2 Subdivision 1. **Minnow retailers.** (a) A person may not be a minnow retailer without
67.3 a minnow retailer license except as provided in subdivisions 2, paragraph (d), and 3. A
67.4 person must purchase a minnow retailer license for each minnow retail outlet operated,
67.5 except as provided by subdivision 2, paragraph (d).

67.6 (b) A minnow retailer must obtain a minnow retailer's vehicle license for each motor
67.7 vehicle used by the minnow retailer to transport more than 12 dozen minnows to the minnow
67.8 retailer's place of business, ~~except as provided in subdivision 3.~~ A minnow retailer is not
67.9 required to obtain a minnow retailer's vehicle license:

67.10 (1) as provided in subdivision 3;

67.11 (2) if the minnow retailer is licensed as a resort under section 157.16, is transporting
67.12 minnows purchased from a minnow dealer's place of business directly to the resort, possesses
67.13 a detailed receipt including the date and time of purchase, and presents the receipt and
67.14 minnows for inspection upon request; or

67.15 (3) if minnows are being transported by common carrier and information is provided
67.16 that allows the commissioner to find out the location of the shipment in the state.

67.17 Sec. 75. Minnesota Statutes 2016, section 97C.701, is amended by adding a subdivision
67.18 to read:

67.19 Subd. 7. **Harvesting mussel shells.** Live mussels may not be harvested. A person
67.20 possessing a valid resident or nonresident angling license or a person not required to have
67.21 an angling license to take fish may take and possess at any time, for personal use only, not
67.22 more than 24 whole shells or 48 shell halves of dead freshwater mussels. Mussel shells may
67.23 be harvested in waters of the state where fish may be taken by angling. Mussel shells must
67.24 be harvested by hand-picking only and may not be purchased or sold.

67.25 Sec. 76. Minnesota Statutes 2016, section 103B.101, subdivision 12a, is amended to read:

67.26 Subd. 12a. **Authority to issue penalty orders.** (a) ~~A county or watershed district with~~
67.27 ~~jurisdiction or~~ The Board of Water and Soil Resources may issue an order requiring violations
67.28 of the water resources riparian protection requirements under sections 103F.415, 103F.421,
67.29 and 103F.48 to be corrected and administratively assessing monetary penalties up to \$500
67.30 for noncompliance commencing on day one of the 11th month after the noncompliance
67.31 notice was issued. The proceeds collected from an administrative penalty order issued under

68.1 this section must be remitted to ~~the county or watershed district with jurisdiction over the~~
68.2 ~~noncompliant site, or otherwise remitted to~~ the Board of Water and Soil Resources.

68.3 (b) Before exercising this authority, the Board of Water and Soil Resources must adopt
68.4 a plan containing procedures for the issuance of administrative penalty orders ~~by local~~
68.5 ~~governments and the board as authorized in this subdivision.~~ This plan, and any subsequent
68.6 amendments, ~~will become~~ is effective 30 days after being published in the State Register.
68.7 The initial plan must be published in the State Register no later than July 1, 2017.

68.8 (c) Administrative penalties may be reissued and appealed under paragraph (a) according
68.9 to section 103F.48, subdivision 9.

68.10 Sec. 77. Minnesota Statutes 2016, section 103F.411, subdivision 1, is amended to read:

68.11 Subdivision 1. **Authority.** The Board of Water and Soil Resources, in consultation with
68.12 counties, soil and water conservation districts, and other appropriate agencies, shall adopt
68.13 a model ordinance and rules that serve as a guide for local governments that have adopted
68.14 a soil loss ordinance to implement sections 103F.401 to 103F.455 and provide administrative
68.15 procedures for the board for sections 103F.401 to 103F.455.

68.16 Sec. 78. Minnesota Statutes 2016, section 103F.48, subdivision 1, is amended to read:

68.17 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms have
68.18 the meanings given them.

68.19 (b) "Board" means the Board of Water and Soil Resources.

68.20 (c) "Buffer" means an area consisting of perennial vegetation, excluding invasive plants
68.21 and noxious weeds, adjacent to all bodies of water within the state and that protects the
68.22 water resources of the state from runoff pollution; stabilizes soils, shores, and banks; and
68.23 protects or provides riparian corridors.

68.24 (d) "Buffer protection map" means buffer maps established and maintained by the
68.25 commissioner of natural resources.

68.26 (e) "Commissioner" means the commissioner of natural resources.

68.27 (f) "Executive director" means the executive director of the Board of Water and Soil
68.28 Resources.

68.29 (g) "Local water management authority" means a watershed district, metropolitan water
68.30 management organization, or county operating separately or jointly in its role as local water
68.31 management authority under chapter 103B or 103D.

69.1 (h) "Normal water level" means the level evidenced by the long-term presence of surface
69.2 water as indicated directly by hydrophytic plants or hydric soils or indirectly determined
69.3 via hydrological models or analysis.

69.4 (i) "Public waters" ~~has the meaning given in section 103G.005, subdivision 15. The term~~
69.5 means public waters as used in this section applies to waters that are on the public waters
69.6 inventory as provided in section 103G.201.

69.7 (j) "With jurisdiction" means a ~~board determination that the county or watershed district~~
69.8 that has adopted a rule, ordinance, or official controls providing procedures for the issuance
69.9 of administrative penalty orders, enforcement, and appeals for purposes of this section and
69.10 section 103B.101, subdivision 12a that has notified the board.

69.11 Sec. 79. Minnesota Statutes 2016, section 103F.48, subdivision 3, is amended to read:

69.12 Subd. 3. **Water resources riparian protection requirements on public waters and**
69.13 **public drainage systems.** (a) Except as provided in paragraph (b), landowners owning
69.14 property adjacent to a water body identified and mapped on a buffer protection map must
69.15 maintain a buffer to protect the state's water resources as follows:

69.16 (1) for all public waters that have a shoreland classification, the more restrictive of:

69.17 (i) a 50-foot average width, 30-foot minimum width, continuous buffer of perennially
69.18 rooted vegetation; or

69.19 (ii) the state shoreland standards and criteria adopted by the commissioner under section
69.20 103F.211; and

69.21 (2) for public drainage systems established under chapter 103E and public waters that
69.22 do not have a shoreland classification, a 16.5-foot minimum width continuous buffer as
69.23 provided in section 103E.021, subdivision 1. The buffer vegetation shall not impede future
69.24 maintenance of the ditch.

69.25 (b) A landowner owning property adjacent to a water body identified in a buffer protection
69.26 map and whose property is used for cultivation farming may meet the requirements under
69.27 paragraph (a) by adopting an alternative riparian water quality practice, or combination of
69.28 structural, vegetative, and management practices, based on the Natural Resources
69.29 Conservation Service Field Office Technical Guide or other practices approved by the board,
69.30 that provide water quality protection comparable to the buffer protection for the water body
69.31 that the property abuts. Included in these practices are retention ponds and alternative
69.32 measures that prevent overland flow to the water resource.

70.1 (c) The width of a buffer on public waters must be measured from the top or crown of
70.2 the bank. Where there is no defined bank, measurement must be from the edge of the normal
70.3 water level. The width of the buffer on public drainage systems must be measured as provided
70.4 in section 103E.021, subdivision 1.

70.5 (d) Upon request by a landowner or authorized agent or operator of a landowner, a
70.6 technical professional employee or contractor of the soil and water conservation district or
70.7 its delegate may issue a validation of compliance with the requirements of this subdivision.
70.8 The soil and water conservation district validation may be appealed to the board as described
70.9 in subdivision 9.

70.10 (e) Buffers or alternative water quality practices required under paragraph (a) or (b)
70.11 must be in place on or before:

70.12 ~~(1) November 1, 2017, for public waters; and~~

70.13 ~~(2) November 1, 2018, for public drainage systems.~~

70.14 (f) Nothing in this section limits the eligibility of a landowner or authorized agent or
70.15 operator of a landowner to participate in federal or state conservation programs, including
70.16 enrolling or reenrolling in federal conservation programs.

70.17 Sec. 80. Minnesota Statutes 2016, section 103F.48, subdivision 7, is amended to read:

70.18 Subd. 7. **Corrective actions.** (a) If the soil and water conservation district determines
70.19 a landowner is not in compliance with this section and the landowner has declined state or
70.20 federal assistance to pay 100 percent of the cost to establish buffers or other water-resource
70.21 protection measures approved by the board, the district must notify the county or watershed
70.22 district with jurisdiction over the noncompliant site and the board. The county or watershed
70.23 district with jurisdiction or the board must provide the landowner with a list of corrective
70.24 actions needed to come into compliance and a practical timeline to meet the requirements
70.25 in this section. The county or watershed district with jurisdiction must provide a copy of
70.26 the corrective action notice to the board.

70.27 (b) A county or watershed district exercising jurisdiction under this subdivision ~~and the~~
70.28 ~~enforcement authority granted in section 103B.101, subdivision 12a~~, shall affirm their its
70.29 jurisdiction and identify the ordinance, rule, or other official controls to carry out the
70.30 compliance provisions of this section ~~and section 103B.101, subdivision 12a~~, by notice to
70.31 the board ~~prior to March 31, 2017~~. A county or watershed district must provide notice to
70.32 the board at least 60 days prior to the effective date of a subsequent decision on their
70.33 jurisdiction.

71.1 (c) If the landowner does not comply with the list of actions and timeline provided, the
71.2 county or watershed district may enforce this section ~~under the authority granted in section~~
71.3 ~~103B.101, subdivision 12a,~~ or by rule of the watershed district or ordinance or other official
71.4 control of the county. ~~Before exercising administrative penalty authority, a county or~~
71.5 ~~watershed district must adopt a plan consistent with the plan adopted by the board containing~~
71.6 ~~procedures for the issuance of administrative penalty orders and may issue orders beginning~~
71.7 ~~November 1, 2017.~~ If a county or watershed district with jurisdiction over the noncompliant
71.8 site has not adopted a plan, rule, ordinance, or official control under this paragraph, the
71.9 board must enforce this section under the authority granted in section 103B.101, subdivision
71.10 12a.

71.11 (d) If the county, watershed district, or board determines that sufficient steps have been
71.12 taken to fully resolve noncompliance, all or part of the penalty may be forgiven.

71.13 (e) An order issued under paragraph (c) may be appealed to the board as provided under
71.14 subdivision 9.

71.15 (f) A corrective action is not required for conditions resulting from a flood or other act
71.16 of nature.

71.17 (g) A landowner agent or operator of a landowner may not remove or willfully degrade
71.18 a riparian buffer or water quality practice, wholly or partially, unless the agent or operator
71.19 has obtained a signed statement from the property owner stating that the permission for the
71.20 work has been granted by the unit of government authorized to approve the work in this
71.21 section or that a buffer or water quality practice is not required as validated by the soil and
71.22 water conservation district. Removal or willful degradation of a riparian buffer or water
71.23 quality practice, wholly or partially, by an agent or operator is a separate and independent
71.24 offense and may be subject to the corrective actions and penalties in this subdivision.

71.25 (h) A county or watershed district or the board must not enforce this section unless
71.26 federal or state assistance is available to the landowner to pay 100 percent of the cost to
71.27 establish buffers or other water-resource protection measures approved by the board.

71.28 Sec. 81. Minnesota Statutes 2016, section 103G.005, is amended by adding a subdivision
71.29 to read:

71.30 Subd. 8a. **Constructed management facilities for storm water.** "Constructed
71.31 management facilities for storm water" means ponds, basins, holding tanks, cisterns,
71.32 infiltration trenches and swales, or other best management practices that have been designed,

72.1 constructed, and operated to store or treat storm water in accordance with local, state, or
 72.2 federal requirements.

72.3 Sec. 82. Minnesota Statutes 2016, section 103G.005, subdivision 10b, is amended to read:

72.4 Subd. 10b. **Greater than 80 percent area.** "Greater than 80 percent area" means a
 72.5 county ~~or~~, watershed, or, for purposes of wetland replacement, bank service area where 80
 72.6 percent or more of the presettlement wetland acreage is intact and:

72.7 (1) ten percent or more of the current total land area is wetland; or

72.8 (2) 50 percent or more of the current total land area is state or federal land.

72.9 Sec. 83. Minnesota Statutes 2016, section 103G.005, subdivision 10h, is amended to read:

72.10 Subd. 10h. **Less than 50 percent area.** "Less than 50 percent area" means a county ~~or~~,
 72.11 watershed, or, for purposes of wetland replacement, bank service area with less than 50
 72.12 percent of the presettlement wetland acreage intact or any county ~~or~~, watershed, or bank
 72.13 service area not defined as a "greater than 80 percent area" or "50 to 80 percent area."

72.14 Sec. 84. Minnesota Statutes 2016, section 103G.222, subdivision 1, is amended to read:

72.15 Subdivision 1. **Requirements.** (a) Wetlands must not be drained or filled, wholly or
 72.16 partially, unless replaced by actions that provide at least equal public value under a
 72.17 replacement plan approved as provided in section 103G.2242, a replacement plan under a
 72.18 local governmental unit's comprehensive wetland protection and management plan approved
 72.19 by the board under section 103G.2243, or, if a permit to mine is required under section
 72.20 93.481, under a mining reclamation plan approved by the commissioner under the permit
 72.21 to mine. Project-specific wetland replacement plans submitted as part of a project for which
 72.22 a permit to mine is required and approved by the commissioner on or after July 1, 1991,
 72.23 may include surplus wetland credits to be allocated by the commissioner to offset future
 72.24 mining-related wetland impacts under any permits to mine held by the permittee, the operator,
 72.25 the permittee's or operator's parent, an affiliated subsidiary, or an assignee pursuant to an
 72.26 assignment under section 93.481, subdivision 5. For project-specific wetland replacement
 72.27 completed prior to wetland impacts authorized or conducted under a permit to mine within
 72.28 the Great Lakes and Rainy River watershed basins, those basins shall be considered a single
 72.29 watershed for purposes of determining wetland replacement ratios. Mining reclamation
 72.30 plans shall apply the same principles and standards for replacing wetlands that are applicable
 72.31 to mitigation plans approved as provided in section 103G.2242. The commissioner must
 72.32 provide notice of an application for wetland replacement under a permit to mine to the

73.1 county in which the impact is proposed and the county in which a mitigation site is proposed.

73.2 Public value must be determined in accordance with section 103B.3355 or a comprehensive
73.3 wetland protection and management plan established under section 103G.2243. Sections
73.4 103G.221 to 103G.2372 also apply to excavation in permanently and semipermanently
73.5 flooded areas of types 3, 4, and 5 wetlands.

73.6 (b) Replacement must be guided by the following principles in descending order of
73.7 priority:

73.8 (1) avoiding the direct or indirect impact of the activity that may destroy or diminish
73.9 the wetland;

73.10 (2) minimizing the impact by limiting the degree or magnitude of the wetland activity
73.11 and its implementation;

73.12 (3) rectifying the impact by repairing, rehabilitating, or restoring the affected wetland
73.13 environment;

73.14 (4) reducing or eliminating the impact over time by preservation and maintenance
73.15 operations during the life of the activity;

73.16 (5) compensating for the impact by restoring a wetland; and

73.17 (6) compensating for the impact by replacing or providing substitute wetland resources
73.18 or environments.

73.19 For a project involving the draining or filling of wetlands in an amount not exceeding
73.20 10,000 square feet more than the applicable amount in section 103G.2241, subdivision 9,
73.21 paragraph (a), the local government unit may make an on-site sequencing determination
73.22 without a written alternatives analysis from the applicant.

73.23 (c) If a wetland is located in a cultivated field, then replacement must be accomplished
73.24 through restoration only without regard to the priority order in paragraph (b), provided that
73.25 the altered wetland is not converted to a nonagricultural use for at least ten years.

73.26 (d) If a wetland is replaced under paragraph (c), or drained under section 103G.2241,
73.27 subdivision 2, paragraph (b) or (e), the local government unit may require a deed restriction
73.28 that prohibits nonagricultural use for at least ten years. The local government unit may
73.29 require the deed restriction if it determines the wetland area drained is at risk of conversion
73.30 to a nonagricultural use within ten years based on the zoning classification, proximity to a
73.31 municipality or full service road, or other criteria as determined by the local government
73.32 unit.

74.1 (e) Restoration and replacement of wetlands must be accomplished in accordance with
74.2 the ecology of the landscape area affected and ponds that are created primarily to fulfill
74.3 storm water management, and water quality treatment requirements may not be used to
74.4 satisfy replacement requirements under this chapter unless the design includes pretreatment
74.5 of runoff and the pond is functioning as a wetland.

74.6 (f) Except as provided in paragraph (g), for a wetland or public waters wetland located
74.7 on nonagricultural land, replacement must be in the ratio of two acres of replaced wetland
74.8 for each acre of drained or filled wetland.

74.9 (g) For a wetland or public waters wetland located on agricultural land or in a greater
74.10 than 80 percent area, replacement must be in the ratio of one acre of replaced wetland for
74.11 each acre of drained or filled wetland.

74.12 (h) Wetlands that are restored or created as a result of an approved replacement plan are
74.13 subject to the provisions of this section for any subsequent drainage or filling.

74.14 (i) Except in a greater than 80 percent area, only wetlands that have been restored from
74.15 previously drained or filled wetlands, wetlands created by excavation in nonwetlands,
74.16 wetlands created by dikes or dams along public or private drainage ditches, or wetlands
74.17 created by dikes or dams associated with the restoration of previously drained or filled
74.18 wetlands may be used for wetland replacement according to rules adopted under section
74.19 103G.2242, subdivision 1. Modification or conversion of nondegraded naturally occurring
74.20 wetlands from one type to another are not eligible for wetland replacement.

74.21 (j) The Technical Evaluation Panel established under section 103G.2242, subdivision
74.22 2, shall ensure that sufficient time has occurred for the wetland to develop wetland
74.23 characteristics of soils, vegetation, and hydrology before recommending that the wetland
74.24 be deposited in the statewide wetland bank. If the Technical Evaluation Panel has reason
74.25 to believe that the wetland characteristics may change substantially, the panel shall postpone
74.26 its recommendation until the wetland has stabilized.

74.27 (k) This section and sections 103G.223 to 103G.2242, 103G.2364, and 103G.2365 apply
74.28 to the state and its departments and agencies.

74.29 (l) For projects involving draining or filling of wetlands associated with a new public
74.30 transportation project, and for projects expanded solely for additional traffic capacity, public
74.31 transportation authorities may purchase credits from the board at the cost to the board to
74.32 establish credits. Proceeds from the sale of credits provided under this paragraph are
74.33 appropriated to the board for the purposes of this paragraph. For the purposes of this
74.34 paragraph, "transportation project" does not include an airport project.

75.1 (m) A replacement plan for wetlands is not required for individual projects that result
75.2 in the filling or draining of wetlands for the repair, rehabilitation, reconstruction, or
75.3 replacement of a currently serviceable existing state, city, county, or town public road
75.4 necessary, as determined by the public transportation authority, to meet state or federal
75.5 design or safety standards or requirements, excluding new roads or roads expanded solely
75.6 for additional traffic capacity lanes. This paragraph only applies to authorities for public
75.7 transportation projects that:

75.8 (1) minimize the amount of wetland filling or draining associated with the project and
75.9 consider mitigating important site-specific wetland functions on site;

75.10 (2) except as provided in clause (3), submit project-specific reports to the board, the
75.11 Technical Evaluation Panel, the commissioner of natural resources, and members of the
75.12 public requesting a copy at least 30 days prior to construction that indicate the location,
75.13 amount, and type of wetlands to be filled or drained by the project or, alternatively, convene
75.14 an annual meeting of the parties required to receive notice to review projects to be
75.15 commenced during the upcoming year; and

75.16 (3) for minor and emergency maintenance work impacting less than 10,000 square feet,
75.17 submit project-specific reports, within 30 days of commencing the activity, to the board
75.18 that indicate the location, amount, and type of wetlands that have been filled or drained.

75.19 Those required to receive notice of public transportation projects may appeal
75.20 minimization, delineation, and on-site mitigation decisions made by the public transportation
75.21 authority to the board according to the provisions of section 103G.2242, subdivision 9. The
75.22 Technical Evaluation Panel shall review minimization and delineation decisions made by
75.23 the public transportation authority and provide recommendations regarding on-site mitigation
75.24 if requested to do so by the local government unit, a contiguous landowner, or a member
75.25 of the Technical Evaluation Panel.

75.26 Except for state public transportation projects, for which the state Department of
75.27 Transportation is responsible, the board must replace the wetlands, and wetland areas of
75.28 public waters if authorized by the commissioner or a delegated authority, drained or filled
75.29 by public transportation projects on existing roads.

75.30 Public transportation authorities at their discretion may deviate from federal and state
75.31 design standards on existing road projects when practical and reasonable to avoid wetland
75.32 filling or draining, provided that public safety is not unreasonably compromised. The local
75.33 road authority and its officers and employees are exempt from liability for any tort claim
75.34 for injury to persons or property arising from travel on the highway and related to the

76.1 deviation from the design standards for construction or reconstruction under this paragraph.
 76.2 This paragraph does not preclude an action for damages arising from negligence in
 76.3 construction or maintenance on a highway.

76.4 (n) If a landowner seeks approval of a replacement plan after the proposed project has
 76.5 already affected the wetland, the local government unit may require the landowner to replace
 76.6 the affected wetland at a ratio not to exceed twice the replacement ratio otherwise required.

76.7 (o) A local government unit may request the board to reclassify a county or watershed
 76.8 on the basis of its percentage of presettlement wetlands remaining. After receipt of
 76.9 satisfactory documentation from the local government, the board shall change the
 76.10 classification of a county or watershed. If requested by the local government unit, the board
 76.11 must assist in developing the documentation. Within 30 days of its action to approve a
 76.12 change of wetland classifications, the board shall publish a notice of the change in the
 76.13 Environmental Quality Board Monitor.

76.14 (p) One hundred citizens who reside within the jurisdiction of the local government unit
 76.15 may request the local government unit to reclassify a county or watershed on the basis of
 76.16 its percentage of presettlement wetlands remaining. In support of their petition, the citizens
 76.17 shall provide satisfactory documentation to the local government unit. The local government
 76.18 unit shall consider the petition and forward the request to the board under paragraph (o) or
 76.19 provide a reason why the petition is denied.

76.20 Sec. 85. Minnesota Statutes 2016, section 103G.222, subdivision 3, is amended to read:

76.21 Subd. 3. **Wetland replacement siting.** (a) ~~Impacted wetlands in a 50 to~~ Wetland
 76.22 replacement occurring outside of a greater than 80 percent area must not be replaced in a
 76.23 ~~50 to greater than 80 percent area or in a less than 50 percent area. Impacted wetlands in a~~
 76.24 ~~less than 50 percent area must be replaced in a less than 50 percent area.~~ All wetland
 76.25 replacement must follow this priority order:

76.26 (1) ~~on-site or~~ in the same minor watershed as the impacted wetland;

76.27 (2) in the same watershed as the impacted wetland;

76.28 (3) in the same ~~county or~~ wetland bank service area as the impacted wetland; and

76.29 (4) in another wetland bank service area.

76.30 (b) Notwithstanding paragraph (a), wetland banking credits approved according to a
 76.31 complete wetland banking application submitted to a local government unit by April 1,

77.1 1996, may be used to replace wetland impacts resulting from public transportation projects
77.2 statewide.

77.3 (c) Notwithstanding paragraph (a), clauses (1) and (2), the priority order for replacement
77.4 by wetland banking begins at paragraph (a), clause (3), according to rules adopted under
77.5 section 103G.2242, subdivision 1.

77.6 (d) When reasonable, practicable, and environmentally beneficial replacement
77.7 opportunities are not available in siting priorities listed in paragraph (a), the applicant may
77.8 seek opportunities at the next level.

77.9 (e) For the purposes of this section, "reasonable, practicable, and environmentally
77.10 beneficial replacement opportunities" are defined as opportunities that:

77.11 (1) take advantage of naturally occurring hydrogeomorphological conditions and require
77.12 minimal landscape alteration;

77.13 (2) have a high likelihood of becoming a functional wetland that will continue in
77.14 perpetuity;

77.15 (3) do not adversely affect other habitat types or ecological communities that are
77.16 important in maintaining the overall biological diversity of the area; and

77.17 (4) are available and capable of being done after taking into consideration cost, existing
77.18 technology, and logistics consistent with overall project purposes.

77.19 (f) Regulatory agencies, local government units, and other entities involved in wetland
77.20 restoration shall collaborate to identify potential replacement opportunities within their
77.21 jurisdictional areas.

77.22 (g) The board must establish wetland replacement ratios and wetland bank service area
77.23 priorities to implement the siting and targeting of wetland replacement and encourage the
77.24 use of high priority areas for wetland replacement.

77.25 (h) Wetland replacement sites identified in accordance with the priority order for
77.26 replacement siting in paragraph (a) as part of the completion of an adequate environmental
77.27 impact statement may be approved for a replacement plan under section 93.481, 103G.2242,
77.28 or 103G.2243 without further modification related to the priority order, notwithstanding
77.29 availability of new mitigation sites or availability of credits after completion of an adequate
77.30 environmental impact statement. Wetland replacement plan applications must be submitted
77.31 within one year of the adequacy determination of the environmental impact statement to be
77.32 eligible for approval under this paragraph.

78.1 Sec. 86. Minnesota Statutes 2016, section 103G.2242, subdivision 2, is amended to read:

78.2 Subd. 2. **Evaluation.** (a) Questions concerning the public value, location, size, or type
78.3 of a wetland shall be submitted to and determined by a Technical Evaluation Panel after an
78.4 on-site inspection. The Technical Evaluation Panel shall be composed of a technical
78.5 professional employee of the board, a technical professional employee of the local soil and
78.6 water conservation district or districts, a technical professional with expertise in water
78.7 resources management appointed by the local government unit, and a technical professional
78.8 employee of the Department of Natural Resources for projects affecting public waters or
78.9 wetlands adjacent to public waters. The panel shall use the "United States Army Corps of
78.10 Engineers Wetland Delineation Manual" (January 1987), including updates, supplementary
78.11 guidance, and replacements, if any, "Wetlands of the United States" (United States Fish and
78.12 Wildlife Service Circular 39, 1971 edition), and "Classification of Wetlands and Deepwater
78.13 Habitats of the United States" (1979 edition). The panel shall provide the wetland
78.14 determination and recommendations on other technical matters to the local government unit
78.15 that must approve a replacement plan, sequencing, exemption determination, no-loss
78.16 determination, or wetland boundary or type determination and may recommend approval
78.17 or denial of the plan. The authority must consider and include the decision of the Technical
78.18 Evaluation Panel in their approval or denial of a plan or determination.

78.19 (b) A member of the Technical Evaluation Panel that has a financial interest in a wetland
78.20 bank or management responsibility to sell or make recommendations in their official capacity
78.21 to sell credits from a publicly owned wetland bank must disclose that interest, in writing,
78.22 to the Technical Evaluation Panel and the local government unit.

78.23 ~~(b)~~ (c) Persons conducting wetland or public waters boundary delineations or type
78.24 determinations are exempt from the requirements of chapter 326. The board may develop
78.25 a professional wetland delineator certification program.

78.26 ~~(e)~~ (d) The board must establish an interagency team to assist in identifying and evaluating
78.27 potential wetland replacement sites. The team must consist of members of the Technical
78.28 Evaluation Panel and representatives from the Department of Natural Resources; the Pollution
78.29 Control Agency; the United States Army Corps of Engineers, St. Paul district; and other
78.30 organizations as determined by the board.

78.31 Sec. 87. Minnesota Statutes 2016, section 103G.2372, subdivision 1, is amended to read:

78.32 Subdivision 1. **Authority; orders.** (a) The commissioner of natural resources,
78.33 conservation officers, and peace officers shall enforce laws preserving and protecting
78.34 groundwater quantity, wetlands, and public waters. The commissioner of natural resources,

79.1 a conservation officer, or a peace officer may issue a cease and desist order to stop any
79.2 illegal activity adversely affecting groundwater quantity, a wetland, or public waters.

79.3 (b) In the order, or by separate order, the commissioner, conservation officer, or peace
79.4 officer may require restoration or replacement of the wetland or public waters, as determined
79.5 by the local soil and water conservation district for wetlands and the commissioner of natural
79.6 resources for public waters. Restoration or replacement orders may be recorded or filed in
79.7 the office of the county recorder or registrar of titles, as appropriate, in the county where
79.8 the real property is located by the commissioner of natural resources, conservation officers,
79.9 or peace officers as a deed restriction on the property that runs with the land and is binding
79.10 on the owners, successors, and assigns until the conditions of the order are met or the order
79.11 is rescinded. Notwithstanding section 386.77, the agency shall pay the applicable filing fee
79.12 for any document filed under this section.

79.13 (c) If a court has ruled that there has not been a violation of the restoration or replacement
79.14 order, an order may not be recorded or filed under this section.

79.15 (d) If an order was recorded before a court finding that there has not been a violation or
79.16 an order was filed before the effective date of this section and the deed restriction would
79.17 have been in violation of paragraph (c), the commissioner must remove the deed restriction
79.18 if the owner of the property requests the commissioner to remove it. Within 30 days of
79.19 receiving the request for removal from the owner, the commissioner must contact, in writing,
79.20 the office of the county recorder or registrar of titles where the order is recorded or filed,
79.21 along with all applicable fees, and have the order removed. Within 30 days of receiving
79.22 notification from the office of the county recorder or registrar of titles that the order has
79.23 been removed, the commissioner must inform the owner that the order has been removed
79.24 and provide the owner with a copy of any documentation provided by the office of the
79.25 county recorder or registrar of titles.

79.26 **EFFECTIVE DATE.** This section is effective the day following final enactment.

79.27 Sec. 88. Minnesota Statutes 2016, section 103G.271, subdivision 1, is amended to read:

79.28 Subdivision 1. **Permit required.** (a) Except as provided in paragraph (b), the state, a
79.29 person, partnership, or association, private or public corporation, county, municipality, or
79.30 other political subdivision of the state may not appropriate or use waters of the state without
79.31 a water-use permit from the commissioner.

79.32 (b) This section does not apply to the following water uses:

80.1 (1) use for a water supply by less than 25 persons for domestic purposes, except as
80.2 required by the commissioner under section 103G.287, subdivision 4, paragraph (b)-;

80.3 (2) nonconsumptive diversion of a surface water of the state from its natural channel for
80.4 the production of hydroelectric or hydromechanical power at structures that were in existence
80.5 on and before July 1, 1937, or those that are regulated by the Federal Energy Regulatory
80.6 Commission; or

80.7 (3) appropriation or use of storm water collected and used to reduce storm-water runoff
80.8 volume, treat storm water, or sustain groundwater supplies when water is extracted from
80.9 constructed management facilities for storm water.

80.10 (c) The commissioner may issue a state general permit for appropriation of water to a
80.11 governmental subdivision or to the general public. The general permit may authorize more
80.12 than one project and the appropriation or use of more than one source of water. Water-use
80.13 permit processing fees and reports required under subdivision 6 and section 103G.281,
80.14 subdivision 3, are required for each project or water source that is included under a general
80.15 permit, except that no fee is required for uses totaling less than 15,000,000 gallons annually.

80.16 Sec. 89. Minnesota Statutes 2016, section 103G.271, subdivision 6, is amended to read:

80.17 Subd. 6. **Water-use permit processing fee.** (a) Except as described in paragraphs (b)
80.18 to (g), a water-use permit processing fee must be prescribed by the commissioner in
80.19 accordance with the schedule of fees in this subdivision for each water-use permit in force
80.20 at any time during the year. Fees collected under this paragraph are credited to the water
80.21 management account in the natural resources fund. The schedule is as follows, with the
80.22 stated fee in each clause applied to the total amount appropriated:

80.23 (1) \$140 for amounts not exceeding 50,000,000 gallons per year;

80.24 (2) \$3.50 per 1,000,000 gallons for amounts greater than 50,000,000 gallons but less
80.25 than 100,000,000 gallons per year;

80.26 (3) \$4 per 1,000,000 gallons for amounts greater than 100,000,000 gallons but less than
80.27 150,000,000 gallons per year;

80.28 (4) \$4.50 per 1,000,000 gallons for amounts greater than 150,000,000 gallons but less
80.29 than 200,000,000 gallons per year;

80.30 (5) \$5 per 1,000,000 gallons for amounts greater than 200,000,000 gallons but less than
80.31 250,000,000 gallons per year;

81.1 (6) \$5.50 per 1,000,000 gallons for amounts greater than 250,000,000 gallons but less
81.2 than 300,000,000 gallons per year;

81.3 (7) \$6 per 1,000,000 gallons for amounts greater than 300,000,000 gallons but less than
81.4 350,000,000 gallons per year;

81.5 (8) \$6.50 per 1,000,000 gallons for amounts greater than 350,000,000 gallons but less
81.6 than 400,000,000 gallons per year;

81.7 (9) \$7 per 1,000,000 gallons for amounts greater than 400,000,000 gallons but less than
81.8 450,000,000 gallons per year;

81.9 (10) \$7.50 per 1,000,000 gallons for amounts greater than 450,000,000 gallons but less
81.10 than 500,000,000 gallons per year; and

81.11 (11) \$8 per 1,000,000 gallons for amounts greater than 500,000,000 gallons per year.

81.12 (b) For once-through cooling systems, a water-use processing fee must be prescribed
81.13 by the commissioner in accordance with the following schedule of fees for each water-use
81.14 permit in force at any time during the year:

81.15 (1) for nonprofit corporations and school districts, \$200 per 1,000,000 gallons; and

81.16 (2) for all other users, \$420 per 1,000,000 gallons.

81.17 (c) The fee is payable based on the amount of water appropriated during the year and,
81.18 except as provided in paragraph (f), the minimum fee is \$100.

81.19 (d) For water-use processing fees other than once-through cooling systems:

81.20 (1) the fee for a city of the first class may not exceed \$250,000 per year;

81.21 (2) the fee for other entities for any permitted use may not exceed:

81.22 (i) \$60,000 per year for an entity holding three or fewer permits;

81.23 (ii) \$90,000 per year for an entity holding four or five permits; or

81.24 (iii) \$300,000 per year for an entity holding more than five permits;

81.25 (3) the fee for agricultural irrigation may not exceed \$750 per year;

81.26 (4) the fee for a municipality that furnishes electric service and cogenerates steam for
81.27 home heating may not exceed \$10,000 for its permit for water use related to the cogeneration
81.28 of electricity and steam; ~~and~~

81.29 (5) the fee for a facility that temporarily diverts a water of the state from its natural
81.30 channel to produce hydroelectric or hydromechanical power may not exceed \$5,000 per

82.1 year. A permit for such a facility does not count toward the number of permits held by an
 82.2 entity as described in paragraph (d); and

82.3 ~~(5)~~ (6) no fee is required for a project involving the appropriation of surface water to
 82.4 prevent flood damage or to remove flood waters during a period of flooding, as determined
 82.5 by the commissioner.

82.6 (e) Failure to pay the fee is sufficient cause for revoking a permit. A penalty of ten
 82.7 percent per month calculated from the original due date must be imposed on the unpaid
 82.8 balance of fees remaining 30 days after the sending of a second notice of fees due. A fee
 82.9 may not be imposed on an agency, as defined in section 16B.01, subdivision 2, or federal
 82.10 governmental agency holding a water appropriation permit.

82.11 (f) The minimum water-use processing fee for a permit issued for irrigation of agricultural
 82.12 land is \$20 for years in which:

82.13 (1) there is no appropriation of water under the permit; or

82.14 (2) the permit is suspended for more than seven consecutive days between May 1 and
 82.15 October 1.

82.16 (g) The commissioner shall waive the water-use permit fee for installations and projects
 82.17 that use storm water runoff or where public entities are diverting water to treat a water
 82.18 quality issue and returning the water to its source without using the water for any other
 82.19 purpose, unless the commissioner determines that the proposed use adversely affects surface
 82.20 water or groundwater.

82.21 (h) A surcharge of \$30 per million gallons in addition to the fee prescribed in paragraph
 82.22 (a) shall be applied to the volume of water used in each of the months of June, July, and
 82.23 August that exceeds the volume of water used in January for municipal water use, irrigation
 82.24 of golf courses, and landscape irrigation. The surcharge for municipalities with more than
 82.25 one permit shall be determined based on the total appropriations from all permits that supply
 82.26 a common distribution system.

82.27 Sec. 90. Minnesota Statutes 2016, section 103G.271, subdivision 6a, is amended to read:

82.28 Subd. 6a. **Fees for past unpermitted appropriations.** An entity that appropriates water
 82.29 without a required permit under subdivision 1 must pay the applicable water-use permit
 82.30 processing fee specified in subdivision 6 for the period during which the unpermitted
 82.31 appropriation occurred. The fees for unpermitted appropriations are required for the previous
 82.32 seven calendar years after being notified of the need for a permit. This fee is in addition to
 82.33 any other fee or penalty assessed. The commissioner may waive payment of fees for past

83.1 unpermitted appropriations for a residential system permitted under subdivision 5, paragraph
83.2 (b), or for a hydroelectric or hydromechanical facility that temporarily diverts a water of
83.3 the state from its natural channel.

83.4 Sec. 91. Minnesota Statutes 2016, section 103G.271, subdivision 7, is amended to read:

83.5 Subd. 7. **Transfer of permit.** A water-use permit may be transferred to a successive
83.6 owner of real property if the permittee conveys the real property where the source of water
83.7 is located. The new owner must notify the commissioner immediately after the conveyance
83.8 and request transfer of the permit. If notified, the commissioner must transfer the permit to
83.9 the successive owner.

83.10 Sec. 92. Minnesota Statutes 2016, section 103G.271, is amended by adding a subdivision
83.11 to read:

83.12 Subd. 8. **Management plans; economic impacts.** Before requiring a change to a
83.13 management plan for appropriating water, the commissioner must provide estimates of the
83.14 economic impact of any new restriction or policy on existing and future groundwater users
83.15 in the affected area.

83.16 Sec. 93. Minnesota Statutes 2016, section 103G.287, subdivision 1, is amended to read:

83.17 Subdivision 1. **Applications for groundwater appropriations; preliminary well**
83.18 **construction approval.** (a) Groundwater use permit applications are not complete until the
83.19 applicant has supplied:

83.20 (1) a water well record as required by section 103I.205, subdivision 9, information on
83.21 the subsurface geologic formations penetrated by the well and the formation or aquifer that
83.22 will serve as the water source, and geologic information from test holes drilled to locate the
83.23 site of the production well;

83.24 (2) the maximum daily, seasonal, and annual pumpage rates and volumes being requested;

83.25 (3) information on groundwater quality in terms of the measures of quality commonly
83.26 specified for the proposed water use and details on water treatment necessary for the proposed
83.27 use;

83.28 (4) the results of an aquifer test completed according to specifications approved by the
83.29 commissioner. The test must be conducted at the maximum pumping rate requested in the
83.30 application and for a length of time adequate to assess or predict impacts to other wells and
83.31 surface water and groundwater resources. The permit applicant is responsible for all costs

84.1 related to the aquifer test, including the construction of groundwater and surface water
84.2 monitoring installations, and water level readings before, during, and after the aquifer test;
84.3 and

84.4 (5) the results of any assessments conducted by the commissioner under paragraph (c).

84.5 (b) The commissioner may waive an application requirement in this subdivision if the
84.6 information provided with the application is adequate to determine whether the proposed
84.7 appropriation and use of water is sustainable and will protect ecosystems, water quality,
84.8 and the ability of future generations to meet their own needs.

84.9 (c) The commissioner shall provide an assessment of a proposed well needing a
84.10 groundwater appropriation permit. The commissioner shall evaluate the information submitted
84.11 as required under section 103I.205, subdivision 1, paragraph (f), and determine whether the
84.12 anticipated appropriation request is likely to meet the applicable requirements of this chapter.
84.13 If the appropriation request is likely to meet applicable requirements, the commissioner
84.14 shall provide the person submitting the information with a letter providing preliminary
84.15 approval to construct the well and the requirements, including test-well information, that
84.16 will be needed to obtain the permit.

84.17 (d) The commissioner must provide an applicant denied a groundwater use permit or
84.18 issued a groundwater use permit that is reduced or restricted from the original request with
84.19 all information the commissioner used in making the determination, including hydrographs,
84.20 flow tests, aquifer tests, topographic maps, field reports, photographs, and proof of equipment
84.21 calibration.

84.22 Sec. 94. Minnesota Statutes 2016, section 103G.287, subdivision 4, is amended to read:

84.23 Subd. 4. **Groundwater management areas.** (a) The commissioner may designate
84.24 groundwater management areas and limit total annual water appropriations and uses within
84.25 a designated area to ensure sustainable use of groundwater that protects ecosystems, water
84.26 quality, and the ability of future generations to meet their own needs. Water appropriations
84.27 and uses within a designated management area must be consistent with a groundwater
84.28 management area plan approved by the commissioner that addresses water conservation
84.29 requirements and water allocation priorities established in section 103G.261. At least 30
84.30 days prior to implementing or modifying a groundwater management area plan under this
84.31 subdivision, the commissioner shall consult with the advisory team established in paragraph
84.32 (c).

85.1 (b) Notwithstanding section 103G.271, subdivision 1, paragraph (b), and Minnesota
85.2 Rules, within designated groundwater management areas, the commissioner may require
85.3 general permits as specified in section 103G.271, subdivision 1, paragraph (c), for water
85.4 users using less than 10,000 gallons per day or 1,000,000 gallons per year and water suppliers
85.5 serving less than 25 persons for domestic purposes. The commissioner may waive the
85.6 requirements under section 103G.281 for general permits issued under this paragraph, and
85.7 the fee specified in section 103G.301, subdivision 2, paragraph (c), does not apply to general
85.8 permits issued under this paragraph.

85.9 (c) When designating a groundwater management area, the commissioner shall assemble
85.10 an advisory team to assist in developing a groundwater management area plan for the area.
85.11 The advisory team members shall be selected from public and private entities that have an
85.12 interest in the water resources affected by the groundwater management area. A majority
85.13 of the advisory team members shall be public and private entities that currently hold water-use
85.14 permits for water appropriations from the affected water resources. The commissioner shall
85.15 consult with the League of Minnesota Cities, the Association of Minnesota Counties, the
85.16 Minnesota Association of Watershed Districts, and the Minnesota Association of Townships
85.17 in appointing the local government representatives to the advisory team. The advisory team
85.18 may also include representatives from the University of Minnesota, the Minnesota State
85.19 Colleges and Universities, other institutions of higher learning in Minnesota, political
85.20 subdivisions with jurisdiction over water issues, nonprofits with expertise in water, and
85.21 federal agencies.

85.22 (d) Before making a change under a groundwater management area plan, the
85.23 commissioner must provide estimates of the economic effect of any new restriction or policy
85.24 on existing and future groundwater users and local governments in the affected area.
85.25 Strategies to address economic impacts must be included in any plan.

85.26 Sec. 95. Minnesota Statutes 2016, section 103G.411, is amended to read:

85.27 **103G.411 STIPULATION OF LOW-WATER MARK.**

85.28 If the state is a party in a civil action relating to the navigability or ownership of the bed
85.29 of a body of water, river, or stream, the commissioner, in behalf of the state, ~~with the approval~~
85.30 ~~of the attorney general,~~ may agree by written stipulation with a riparian owner who is a
85.31 party to the action on the location of the ordinary low-water mark on the riparian land of
85.32 the party. After the stipulation is executed by all parties, it must be presented to the judge
85.33 of the district court where the action is pending for approval. If the stipulation is approved,
85.34 the judge shall make and enter an order providing that the final judgment when entered shall

86.1 conform to the location of the ordinary, low-water mark as provided for in the stipulation
86.2 as it relates to the parties to the stipulation.

86.3 Sec. 96. Minnesota Statutes 2016, section 114D.25, is amended by adding a subdivision
86.4 to read:

86.5 Subd. 6. **Impaired waters list; public notice and process.** The commissioner of the
86.6 Pollution Control Agency must allow at least 60 days for public comment after publishing
86.7 the draft impaired-waters list required under the federal Clean Water Act. A person may
86.8 petition the agency to hold a contested case hearing on the draft impaired-waters list. A
86.9 valid basis for challenging an impairment determination includes, but is not limited to,
86.10 agency reliance on data that do not reflect recent significant infrastructure investments and
86.11 documented pollutant reductions.

86.12 Sec. 97. **[115.051] REVIEWING PROPOSED AGENCY ACTIONS.**

86.13 Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this section.

86.14 (b) "Local government unit" means a statutory or home rule charter city, a county, a
86.15 local public utilities commission, a sanitary district, or an organization formed for the joint
86.16 exercise of powers under section 471.59.

86.17 (c) "Proposed action" means an action that:

86.18 (1) is being considered by the commissioner of the Pollution Control Agency or has
86.19 been undertaken by the commissioner but is not yet final; and

86.20 (2) would, once final, constitute:

86.21 (i) issuing, amending, modifying, or denying a water-quality standard under section
86.22 115.44, a water-related permit, a total maximum daily load (TMDL) study, or a watershed
86.23 restoration and protection strategy (WRAPS); or

86.24 (ii) another action or decision undertaken according to the commissioner's authority
86.25 under this chapter or chapter 114D that is or would be eligible for a contested case hearing
86.26 under chapter 14 or that would constitute rulemaking under chapter 14.

86.27 (d) "Requisite number" means five or more if the proposed action is rulemaking under
86.28 chapter 14 or one or more if the proposed action is one that is or would be eligible for a
86.29 contested case hearing under chapter 14.

87.1 (e) "Review petition" means a written petition of a local government unit adopted by
87.2 resolution of the applicable governing body that describes the need for review by an expert
87.3 review panel of the scientific basis of a proposed action that potentially affects the petitioner.

87.4 (f) "Review proceeding" means a proceeding under chapter 14 of the Office of
87.5 Administrative Hearings to review a proposed action.

87.6 **Subd. 2. Review of scientific basis for proposed action.** In any review proceeding, the
87.7 administrative law judge must examine the administrative record and, without deference to
87.8 the commissioner of the Pollution Control Agency, independently determine from the record
87.9 whether:

87.10 (1) the proposed action is based on reliable scientific data and analyses, as confirmed
87.11 by publicly available peer-reviewed literature;

87.12 (2) every test, measurement, or model the commissioner relied on in support of the
87.13 proposed action was used by the commissioner for the purpose for which the test,
87.14 measurement, or model was designed, consistent with generally accepted and peer-reviewed
87.15 scientific practice;

87.16 (3) the proposed action is consistent with the findings of any applicable external peer
87.17 review panel the commissioner convened under section 115.035; and

87.18 (4) the proposed action is based on a demonstrated, significant causal relationship between
87.19 the parameters of concern and the water-quality objective at issue, not the correlation alone.
87.20 When a causal relationship may be confounded by other factors, the administrative law
87.21 judge must determine whether the relevance and effect of those factors were assessed to
87.22 ensure the predicted causal relationship is valid.

87.23 **Subd. 3. Effect of finding inadequate basis for proposed action.** If an administrative
87.24 law judge determines that any of the conditions under subdivision 2, clauses (1) to (4), are
87.25 not satisfied, then:

87.26 (1) if the proposed action was a proposed rule, the administrative law judge must find
87.27 that the need for and reasonableness of the rule has not been established according to section
87.28 14.14, subdivision 2; and

87.29 (2) if the proposed action was before the Office of Administrative Hearings as part of a
87.30 contested case hearing, the administrative law judge must include this finding in the report
87.31 required by sections 14.48 to 14.56, which constitutes the final decision in the case.

87.32 **Subd. 4. Expert review panel; when required; composition.** The Office of
87.33 Administrative Hearings must convene an expert review panel to review the scientific basis

88.1 of a proposed action when the office receives the requisite number of review petitions and
88.2 finds, based on an independent review of the petitions, that the petitions demonstrate the
88.3 existence of a material scientific dispute regarding the scientific validity of the proposed
88.4 action. The Office of Administrative Hearings must issue an order granting or denying a
88.5 petition within 30 days of receiving the petition. A review panel must consist of three
88.6 independent experts with qualifications in the subject matter of the scientific dispute who
88.7 are employed neither by the Pollution Control Agency nor by a petitioner to the proceeding
88.8 and who are not directly or indirectly involved with the work conducted or contracted by
88.9 the agency. The composition of the panel must be determined as follows:

88.10 (1) the commissioner of the Pollution Control Agency must select one expert satisfying
88.11 the requirements of this subdivision;

88.12 (2) the petitioners must jointly select one expert satisfying the requirements of this
88.13 subdivision; and

88.14 (3) the two experts selected under clauses (1) and (2) must mutually agree to a third
88.15 expert satisfying the requirements of this subdivision. If the two experts cannot agree on a
88.16 third expert, the Office of Administrative Hearings must make the appointment.

88.17 Subd. 5. **Conduct of expert review panel.** Upon granting a petition for independent
88.18 expert review, the Office of Administrative Hearings must, as soon as practicable thereafter,
88.19 issue an order establishing the independent expert review panel and identifying the
88.20 independent experts selected according to subdivision 4. The order must include a statement
88.21 of the specific scientific issues or questions in dispute to be submitted for review by the
88.22 panel. The commissioner of the Pollution Control Agency and all petitioners must agree on
88.23 the issues or questions in dispute to be submitted for review. If they cannot agree on one or
88.24 more issues or questions, the Office of Administrative Hearings must determine the issues
88.25 or questions to be submitted, giving substantial consideration to the questions raised in any
88.26 petitions the office receives. The panel must review the scientific evidence relevant to those
88.27 issues or questions as found in the petitions, the administrative record for the proposed
88.28 action, and the results of any external peer review conducted according to section 115.035,
88.29 in accordance with the guidance in the United States Environmental Protection Agency's
88.30 Peer Review Handbook. The panel must submit a written opinion on the scientific validity
88.31 of the commissioner's approach that is in controversy. If the panel finds deficiencies, the
88.32 panel must recommend how the deficiencies can be corrected. The written opinion becomes
88.33 part of the administrative record and must be submitted to the Office of Administrative
88.34 Hearings. The office must send a copy of the opinion to the commissioner of the Pollution
88.35 Control Agency, all petitioners, and the chairs and ranking minority members of the house

89.1 of representatives and senate committees having jurisdiction over environment and natural
89.2 resources policy and finance.

89.3 Subd. 6. **Status of action pending review.** Once the Office of Administrative Hearings
89.4 receives the requisite number of review petitions:

89.5 (1) the Office of Administrative Hearings must notify the commissioner of the Pollution
89.6 Control Agency of this fact;

89.7 (2) the commissioner must not grant or deny a contested case petition filed by a local
89.8 government unit on the proposed action that is the subject of the petition or otherwise
89.9 proceed toward finalizing the proposed action until the Office of Administrative Hearings
89.10 denies the petition for independent expert review or, if the petition is granted, the
89.11 commissioner receives and considers the written opinion required under subdivision 5; and

89.12 (3) the Office of Administrative Hearings must not conduct the review required by
89.13 subdivision 2 until the office receives the written opinion required under subdivision 5.

89.14 Subd. 7. **Chapter 14 requirements.** Nothing in this section shall be construed to abrogate
89.15 or otherwise repeal any of the procedural requirements of chapter 14. Upon receiving a
89.16 written opinion according to subdivision 5, the commissioner of the Pollution Control
89.17 Agency and the Office of Administrative Hearings must make the opinion available to the
89.18 public for review and continue to follow all applicable provisions of chapter 14, including
89.19 public comment and hearing requirements.

89.20 Subd. 8. **Timing of review petition submission.** A review petition submitted to the
89.21 Office of Administrative Hearings must be submitted within the period for filing a contested
89.22 case petition or before expiration of the public comment period as noticed in the statement
89.23 of intent to adopt the rule, as applicable.

89.24 Subd. 9. **Supplementing other law.** The duties and procedures in this section are
89.25 supplementary and applicable to those set forth in section 14.091.

89.26 Sec. 98. **[115.542] NOTICE REQUIREMENTS FOR PUBLICLY OWNED**
89.27 **WASTEWATER TREATMENT FACILITIES.**

89.28 Subdivision 1. **Definitions.** For the purpose of this section, the following terms have
89.29 the meanings given:

89.30 (1) "permit" means a national pollutant discharge elimination system (NPDES) permit
89.31 or state disposal system (SDS) permit; and

90.1 (2) "permit applicant" means a person or entity submitting an application for a new
90.2 permit or renewal, modification, or revocation of an existing permit for a publicly owned
90.3 wastewater treatment facility.

90.4 Subd. 2. **Applicability.** This section applies to all draft permits and permits for publicly
90.5 owned wastewater treatment facilities for which the commissioner of the Pollution Control
90.6 Agency makes a preliminary determination whether to issue or deny.

90.7 Subd. 3. **Notice requirements.** The commissioner of the Pollution Control Agency must
90.8 provide a permit applicant with a copy of the draft permit and any fact sheets required by
90.9 agency rules at least 30 days before the distribution and public notice of the permit application
90.10 and preliminary determination.

90.11 Subd. 4. **Public comment period.** The commissioner must prepare and issue a public
90.12 notice of a completed application and the commissioner's preliminary determination as to
90.13 whether the permit should be issued or denied. The public comment period must be at least
90.14 60 days for permit applications under this section.

90.15 Sec. 99. Minnesota Statutes 2016, section 115B.41, subdivision 1, is amended to read:

90.16 Subdivision 1. **Allocation and recovery of costs.** (a) ~~A person who~~ An owner or operator
90.17 that is subject to the requirements in section 115B.40, subdivision 4 or 5, paragraph (b), is
90.18 responsible for all environmental response costs incurred by the commissioner at or related
90.19 to the facility until the date of notice of compliance under section 115B.40, subdivision 7.
90.20 The commissioner may use any funds available for closure, postclosure care, and response
90.21 action established by the owner or operator. If those funds are insufficient or if the owner
90.22 or operator fails to assign rights to them to the commissioner, the commissioner may seek
90.23 recovery of environmental response costs against the owner or operator in the county of
90.24 Ramsey or in the county where the facility is located or where the owner or operator resides.

90.25 (b) In an action brought under this subdivision in which the commissioner prevails, the
90.26 court shall award the commissioner reasonable attorney fees and other litigation expenses
90.27 incurred by the commissioner to bring the action. All costs, fees, and expenses recovered
90.28 under this subdivision must be deposited in the remediation fund established in section
90.29 116.155.

90.30 Sec. 100. Minnesota Statutes 2016, section 115B.421, is amended to read:

90.31 **115B.421 CLOSED LANDFILL INVESTMENT FUND.**

91.1 The closed landfill investment fund is established in the state treasury. The fund consists
91.2 of money credited to the fund, and interest and other earnings on money in the fund.
91.3 Beginning July 1, 2003, funds must be deposited as described in section 115B.445. The
91.4 fund shall be managed to maximize long-term gain through the State Board of Investment.
91.5 Money in the fund may be spent by the commissioner after fiscal year 2020 in accordance
91.6 with sections 115B.39 to 115B.444, and for costs incurred under agreements with indemnified
91.7 persons under section 115B.431.

91.8 Sec. 101. [115B.431] INDEMNIFYING RESPONSIBLE PERSONS.

91.9 Subdivision 1. **Indemnification.** In the case of a qualified facility as defined in section
91.10 115B.39, subdivision 2, paragraph (l), clause (1), located in the city of Burnsville, when
91.11 the owner or operator has received notice under section 115B.40, subdivision 3, and within
91.12 15 years after receiving the notice has not entered into an agreement with the commissioner
91.13 of the Pollution Control Agency, the commissioner must enter into an indemnification
91.14 agreement with an eligible person under subdivision 2 who requests such indemnification,
91.15 under which the commissioner indemnifies the eligible person and holds the eligible person
91.16 harmless for:

91.17 (1) all legal responsibility liability or potential liability for environmental response costs
91.18 and natural resources damages related to the qualified facility, including any and all liability
91.19 and potential liability for legal and administrative costs and expenses incurred or to be
91.20 incurred by the state or federal government or reimbursed by the state or federal government;

91.21 (2) all legal liability or potential liability under the federal Comprehensive Environmental
91.22 Response, Compensation, and Liability Act related to the qualified facility including any
91.23 and all liability and potential liability for costs incurred by the federal government in cleaning
91.24 up the site and legal and administrative costs and expenses incurred or to be incurred by
91.25 the state or federal government or reimbursed by the state or federal government; and

91.26 (3) all legal liability or potential liability that has been asserted, could have been asserted,
91.27 or may be asserted in the future against the eligible person under state or federal law, common
91.28 law, or other legal theory related to the qualified facility including any claim by any person
91.29 or entity for contribution regarding any matters to which the indemnity applies.

91.30 Subd. 2. **Eligible persons.** (a) A person who is not an owner or operator of a qualified
91.31 facility is eligible to enter into an indemnification agreement with the commissioner provided
91.32 the person agrees to:

92.1 (1) waive all claims for environmental response costs related to the facility against all
92.2 persons other than the owner or operator;

92.3 (2) provide the commissioner with a copy of all applicable comprehensive general
92.4 liability insurance policies and other liability insurance policies relating to property damage,
92.5 certificates, or other evidence of insurance coverage held during the life of the facility; and

92.6 (3) enter into a binding agreement with the commissioner to take any actions necessary
92.7 to preserve the person's rights to payment or defense under insurance policies, cooperate
92.8 with the commissioner in asserting the claims under the policies, and assign those rights
92.9 under the policies related to environmental response costs.

92.10 (b) For purposes of this subdivision, "insurance" has the meaning given in section 60A.02,
92.11 subdivision 3.

92.12 Subd. 3. **Recovery for illegal actions.** The indemnification of eligible persons under
92.13 this section does not prevent the commissioner from recovering costs for illegal actions at
92.14 qualified facilities as provided in section 115B.402.

92.15 Subd. 4. **Commissioner's duties.** (a) In consideration of the indemnitee's agreement to
92.16 enter into an agreement under this section, the commissioner must not sue or take
92.17 administrative action against the indemnitee, must agree to indemnify and hold the indemnitee
92.18 harmless and defend the indemnitee against all claims or liability for state or federal
92.19 environmental response actions at the qualified facility that is the subject of the agreement
92.20 and claims made by a responsible person or group of responsible persons under state or
92.21 federal law for payment of response costs and related costs at the qualified facility.

92.22 (b) To the extent allowed under applicable law, a person who enters into an
92.23 indemnification agreement under this section is not liable for claims for contribution
92.24 regarding matters addressed in the agreement. As a condition of the agreement, the person
92.25 must waive the person's rights to seek contribution for any amounts paid on the person's
92.26 behalf under the agreement. This section does not limit the state's ability to seek contribution
92.27 on the person's behalf.

92.28 Sec. 102. Minnesota Statutes 2016, section 115C.021, subdivision 1, is amended to read:

92.29 Subdivision 1. **General rule.** Except as provided in subdivisions 2 to ~~4~~ 5, a person is
92.30 responsible for a release from a tank if the person is an owner or operator of the tank at any
92.31 time during or after the release.

93.1 Sec. 103. Minnesota Statutes 2016, section 115C.021, is amended by adding a subdivision
93.2 to read:

93.3 Subd. 5. Heating fuel oil vendor. A heating fuel oil vendor is not a responsible person
93.4 for a heating fuel oil release at a residential location if the release was caused solely by the
93.5 failure of a tank owned by the homeowner.

93.6 Sec. 104. Minnesota Statutes 2016, section 116.03, subdivision 2b, is amended to read:

93.7 Subd. 2b. **Permitting efficiency.** (a) It is the goal of the state that environmental and
93.8 resource management permits be issued or denied within 90 days for Tier 1 permits or 150
93.9 days for Tier 2 permits following submission of a permit application. The commissioner of
93.10 the Pollution Control Agency shall establish management systems designed to achieve the
93.11 goal. For the purposes of this section, "Tier 1 permits" are permits that do not require
93.12 individualized actions or public comment periods, and "Tier 2 permits" are permits that
93.13 require individualized actions or public comment periods.

93.14 (b) The commissioner shall prepare an annual permitting efficiency report that includes
93.15 statistics on meeting the goal in paragraph (a) and the criteria for Tier 1 and Tier 2 by permit
93.16 categories. The report is due August 1 each year. For permit applications that have not met
93.17 the goal, the report must state the reasons for not meeting the goal. In stating the reasons
93.18 for not meeting the goal, the commissioner shall separately identify delays caused by the
93.19 responsiveness of the proposer, lack of staff, scientific or technical disagreements, or the
93.20 level of public engagement. The report must specify the number of days from initial
93.21 submission of the application to the day of determination that the application is complete.
93.22 The report must aggregate the data for the year and assess whether program or system
93.23 changes are necessary to achieve the goal. The report must be posted on the agency's Web
93.24 site and submitted to the governor and the chairs and ranking minority members of the house
93.25 of representatives and senate committees having jurisdiction over environment policy and
93.26 finance.

93.27 (c) The commissioner shall allow electronic submission of environmental review and
93.28 permit documents to the agency.

93.29 (d) ~~Beginning July 1, 2011,~~ Within 30 business days of application for a permit subject
93.30 to paragraph (a), the commissioner of the Pollution Control Agency shall notify the ~~project~~
93.31 ~~proposer~~ permit applicant, in writing, whether the application is complete or incomplete. If
93.32 the commissioner determines that an application is incomplete, the notice to the applicant
93.33 must enumerate all deficiencies, citing specific provisions of the applicable rules and statutes,
93.34 and advise the applicant on how the deficiencies can be remedied. If the commissioner

94.1 determines that the application is complete, the notice must confirm the application's Tier
94.2 1 or Tier 2 permit status and, upon request of the permit applicant of an individual Tier 2
94.3 permit, provide the permit applicant with a schedule for reviewing the permit application.

94.4 This paragraph does not apply to an application for a permit that is subject to a grant or loan
94.5 agreement under chapter 446A.

94.6 (e) For purposes of this subdivision, "permit professional" means an individual not
94.7 employed by the Pollution Control Agency who:

94.8 (1) has a professional license issued by the state of Minnesota in the subject area of the
94.9 permit;

94.10 (2) has at least ten years of experience in the subject area of the permit; and

94.11 (3) abides by the duty of candor applicable to employees of the Pollution Control Agency
94.12 under agency rules and complies with all applicable requirements under chapter 326.

94.13 (f) Upon the agency's request, an applicant relying on a permit professional must
94.14 participate in a meeting with the agency before submitting an application:

94.15 (1) at least two weeks prior to the preapplication meeting, the applicant must submit at
94.16 least the following:

94.17 (i) project description, including, but not limited to, scope of work, primary emissions
94.18 points, discharge outfalls, and water intake points;

94.19 (ii) location of the project, including county, municipality, and location on the site;

94.20 (iii) business schedule for project completion; and

94.21 (iv) other information requested by the agency at least four weeks prior to the scheduled
94.22 meeting; and

94.23 (2) during the preapplication meeting, the agency shall provide for the applicant at least
94.24 the following:

94.25 (i) an overview of the permit review program;

94.26 (ii) a determination of which specific application or applications will be necessary to
94.27 complete the project;

94.28 (iii) a statement notifying the applicant if the specific permit being sought requires a
94.29 mandatory public hearing or comment period;

94.30 (iv) a review of the timetable established in the permit review program for the specific
94.31 permit being sought; and

95.1 (v) a determination of what information must be included in the application, including
95.2 a description of any required modeling or testing.

95.3 (g) The applicant may select a permit professional to undertake the preparation of the
95.4 permit application and draft permit.

95.5 (h) If a preapplication meeting was held, the agency shall, within seven business days
95.6 of receipt of an application, notify the applicant and submitting permit professional that the
95.7 application is complete or is denied, specifying the deficiencies of the application.

95.8 (i) Upon receipt of notice that the application is complete, the permit professional shall
95.9 submit to the agency a timetable for submitting a draft permit. The permit professional shall
95.10 submit a draft permit on or before the date provided in the timetable. Within 60 days after
95.11 the close of the public comment period, the commissioner shall notify the applicant whether
95.12 the permit can be issued.

95.13 (j) Nothing in this section shall be construed to modify:

95.14 (1) any requirement of law that is necessary to retain federal delegation to or assumption
95.15 by the state; or

95.16 (2) the authority to implement a federal law or program.

95.17 (k) The permit application and draft permit shall identify or include as an appendix all
95.18 studies and other sources of information used to substantiate the analysis contained in the
95.19 permit application and draft permit. The commissioner shall request additional studies, if
95.20 needed, and the ~~project proposer~~ permit applicant shall submit all additional studies and
95.21 information necessary for the commissioner to perform the commissioner's responsibility
95.22 to review, modify, and determine the completeness of the application and approve the draft
95.23 permit.

95.24 Sec. 105. Minnesota Statutes 2016, section 116.03, is amended by adding a subdivision
95.25 to read:

95.26 Subd. 7. **Draft permits; public notice.** When public notice of a draft individual Tier 2
95.27 permit is required, the commissioner must issue the notice with the draft permit within 150
95.28 days of receiving a completed permit application unless the permit applicant and the
95.29 commissioner mutually agree to a different date. Upon request of the permit applicant, the
95.30 commissioner must provide a copy of the draft permit to the permit applicant and consider
95.31 comments on the draft permit from the permit applicant before issuing the public notice.

96.1 Sec. 106. Minnesota Statutes 2016, section 116.03, is amended by adding a subdivision
96.2 to read:

96.3 Subd. 8. **Clean Air Act settlement money.** "Clean Air Act settlement money" means
96.4 money received by or required to be paid to the state as a result of litigation or settlements
96.5 of alleged violations of the federal Clean Air Act, United States Code, title 42, section 7401
96.6 et seq., or rules adopted thereunder, by an automobile manufacturer. Clean Air Act settlement
96.7 money may not be spent until it is specifically appropriated by law.

96.8 Sec. 107. Minnesota Statutes 2016, section 116.07, subdivision 4d, is amended to read:

96.9 Subd. 4d. **Permit fees.** (a) The agency may collect permit fees in amounts not greater
96.10 than those necessary to cover the reasonable costs of developing, reviewing, and acting
96.11 upon applications for agency permits and implementing and enforcing the conditions of the
96.12 permits pursuant to agency rules. Permit fees shall not include the costs of litigation. The
96.13 fee schedule must reflect reasonable and routine direct and indirect costs associated with
96.14 permitting, implementation, and enforcement. The agency may impose an additional
96.15 enforcement fee to be collected for a period of up to two years to cover the reasonable costs
96.16 of implementing and enforcing the conditions of a permit under the rules of the agency.
96.17 Any money collected under this paragraph shall be deposited in the environmental fund.

96.18 (b) Notwithstanding paragraph (a), the agency shall collect an annual fee from the owner
96.19 or operator of all stationary sources, emission facilities, emissions units, air contaminant
96.20 treatment facilities, treatment facilities, potential air contaminant storage facilities, or storage
96.21 facilities subject to a notification, permit, or license requirement under this chapter,
96.22 subchapters I and V of the federal Clean Air Act, United States Code, title 42, section 7401
96.23 et seq., or rules adopted thereunder. The annual fee shall be used to pay for all direct and
96.24 indirect reasonable costs, including legal costs, required to develop and administer the
96.25 notification, permit, or license program requirements of this chapter, subchapters I and V
96.26 of the federal Clean Air Act, United States Code, title 42, section 7401 et seq., or rules
96.27 adopted thereunder. Those costs include the reasonable costs of reviewing and acting upon
96.28 an application for a permit; implementing and enforcing statutes, rules, and the terms and
96.29 conditions of a permit; emissions, ambient, and deposition monitoring; preparing generally
96.30 applicable regulations; responding to federal guidance; modeling, analyses, and
96.31 demonstrations; preparing inventories and tracking emissions; and providing information
96.32 to the public about these activities.

96.33 (c) The agency shall set fees that:

97.1 (1) will result in the collection, in the aggregate, from the sources listed in paragraph
97.2 (b), of an amount not less than \$25 per ton of each volatile organic compound; pollutant
97.3 regulated under United States Code, title 42, section 7411 or 7412 (section 111 or 112 of
97.4 the federal Clean Air Act); and each pollutant, except carbon monoxide, for which a national
97.5 primary ambient air quality standard has been promulgated;

97.6 (2) may result in the collection, in the aggregate, from the sources listed in paragraph
97.7 (b), of an amount not less than \$25 per ton of each pollutant not listed in clause (1) that is
97.8 regulated under this chapter or air quality rules adopted under this chapter; and

97.9 (3) shall collect, in the aggregate, from the sources listed in paragraph (b), the amount
97.10 needed to match grant funds received by the state under United States Code, title 42, section
97.11 7405 (section 105 of the federal Clean Air Act).

97.12 The agency must not include in the calculation of the aggregate amount to be collected
97.13 under clauses (1) and (2) any amount in excess of 4,000 tons per year of each air pollutant
97.14 from a source. The increase in air permit fees to match federal grant funds shall be a surcharge
97.15 on existing fees. The commissioner may not collect the surcharge after the grant funds
97.16 become unavailable. In addition, the commissioner shall use nonfee funds to the extent
97.17 practical to match the grant funds so that the fee surcharge is minimized.

97.18 (d) To cover the reasonable costs described in paragraph (b), the agency shall provide
97.19 in the rules promulgated under paragraph (c) for an increase in the fee collected in each
97.20 year by the percentage, if any, by which the Consumer Price Index for the most recent
97.21 calendar year ending before the beginning of the year the fee is collected exceeds the
97.22 Consumer Price Index for the calendar year 1989. For purposes of this paragraph the
97.23 Consumer Price Index for any calendar year is the average of the Consumer Price Index for
97.24 all-urban consumers published by the United States Department of Labor, as of the close
97.25 of the 12-month period ending on August 31 of each calendar year. The revision of the
97.26 Consumer Price Index that is most consistent with the Consumer Price Index for calendar
97.27 year 1989 shall be used.

97.28 (e) Any money collected under paragraphs (b) to (d) must be deposited in the
97.29 environmental fund and must be used solely for the activities listed in paragraph (b).

97.30 (f) Permit applicants who wish to construct, reconstruct, or modify a facility project may
97.31 offer to reimburse the agency for the reasonable costs of staff time or consultant services
97.32 needed to expedite the preapplication process and permit development process through the
97.33 final decision on the permit, including the analysis of environmental review documents.
97.34 The reimbursement shall be in addition to permit application fees imposed by law. When

98.1 the agency determines that it needs additional resources to develop the permit application
98.2 in an expedited manner, and that expediting the development is consistent with permitting
98.3 program priorities, the agency may accept the reimbursement. The commissioner must give
98.4 the applicant an estimate of costs to be incurred by the commissioner. The estimate must
98.5 include a brief description of the tasks to be performed, a schedule for completing the tasks,
98.6 and the estimated cost for each task. The applicant and the commissioner must enter into a
98.7 written agreement detailing the estimated costs for the expedited permit decision-making
98.8 process to be incurred by the agency and any recourse available to the applicant if the agency
98.9 fails to meet the schedule. The agreement must also identify staff anticipated to be assigned
98.10 to the project and describe the commissioner's commitment to make assigned staff available
98.11 for the project until the permit decision is made. The commissioner must not issue a permit
98.12 until the applicant has paid all fees in full. The commissioner must refund any unobligated
98.13 balance of fees paid. Reimbursements accepted by the agency are appropriated to the agency
98.14 for the purpose of developing the permit or analyzing environmental review documents.
98.15 Reimbursement by a permit applicant shall precede and not be contingent upon issuance of
98.16 a permit; shall not affect the agency's decision on whether to issue or deny a permit, what
98.17 conditions are included in a permit, or the application of state and federal statutes and rules
98.18 governing permit determinations; and shall not affect final decisions regarding environmental
98.19 review.

98.20 (g) The fees under this subdivision are exempt from section 16A.1285.

98.21 Sec. 108. Minnesota Statutes 2016, section 116.07, is amended by adding a subdivision
98.22 to read:

98.23 **Subd. 13. Irrevocability, suspensions, or expiration of permits; environmental**
98.24 **review.** If, by July 1 of an odd-numbered year, legislation has not been enacted to appropriate
98.25 money to the commissioner of the Pollution Control Agency for environmental review and
98.26 permitting activities of the agency:

98.27 (1) a permit granted by the commissioner may not be terminated or suspended for the
98.28 term of the permit nor shall it expire without the consent of the permittee, except for breach
98.29 or nonperformance of any condition of the permit by the permittee that is an imminent threat
98.30 to impair or destroy the environment or injure the health, safety, or welfare of the citizens
98.31 of the state; and

98.32 (2) environmental review and permit application work on environmental review and
98.33 permits filed before July 1 of that year must not be suspended or terminated.

99.1 (b) Paragraph (a), clause (1), applies until legislation appropriating money to the
99.2 commissioner for the environmental review and permitting activities is enacted.

99.3 Sec. 109. Minnesota Statutes 2016, section 116.07, is amended by adding a subdivision
99.4 to read:

99.5 Subd. 14. **Unadopted rules.** The commissioner of the Pollution Control Agency must
99.6 not seek to implement in a permit or enforce a penalty based upon an agency policy,
99.7 guideline, bulletin, criterion, manual standard, interpretive statement, or similar
99.8 pronouncement if the policy, guideline, bulletin, criterion, manual standard, interpretive
99.9 standard, or pronouncement has not been adopted under the rulemaking process under
99.10 chapter 14. In any proceeding under section 14.381, the commissioner has the burden of
99.11 proving the action is not prohibited.

99.12 Sec. 110. Minnesota Statutes 2016, section 116.07, is amended by adding a subdivision
99.13 to read:

99.14 Subd. 15. **Limitation regarding certain policies, guidelines, and other interpretive**
99.15 **statements.** (a) The commissioner of the Pollution Control Agency must not seek to
99.16 implement or enforce against any person a policy, guideline, or other interpretive statement
99.17 that meets the definition of a rule under section 14.02, subdivision 4, if the policy, guideline,
99.18 or other interpretive statement has not been adopted as a rule according to chapter 14. In
99.19 any proceeding under chapter 14 challenging agency action prohibited by this subdivision,
99.20 the reviewing authority must independently and without deference to the agency determine
99.21 whether the agency violated this subdivision. The agency must overcome the presumption
99.22 that the agency action may not be enforced as a rule.

99.23 (b) If the commissioner incorporates by reference an internal guideline, bulletin, criterion,
99.24 manual standard, interpretive statement, or similar pronouncement into a statute, rule, or
99.25 standard, the commissioner must follow the rulemaking process provided under chapter 14
99.26 to amend or revise the guideline, bulletin, criterion, manual standard, interpretive statement,
99.27 or similar pronouncement.

99.28 Sec. 111. Minnesota Statutes 2016, section 116.0714, is amended to read:

99.29 **116.0714 NEW OPEN AIR SWINE BASINS.**

99.30 The commissioner of the Pollution Control Agency or a county board shall not approve
99.31 any permits for the construction of new open air swine basins, except that existing facilities
99.32 may use one basin of less than 1,000,000 gallons as part of a permitted waste treatment

100.1 program for resolving pollution problems or to allow conversion of an existing basin of less
100.2 than 1,000,000 gallons to a different animal type, provided all standards are met. This section
100.3 expires June 30, ~~2017~~ 2022.

100.4 **EFFECTIVE DATE.** This section is effective the day following final enactment.

100.5 Sec. 112. Minnesota Statutes 2016, section 116C.03, subdivision 2, is amended to read:

100.6 Subd. 2. **Membership.** The members of the board are the commissioner of administration,
100.7 the commissioner of commerce, the commissioner of the Pollution Control Agency, the
100.8 commissioner of natural resources, the commissioner of agriculture, the commissioner of
100.9 health, the commissioner of employment and economic development, the commissioner of
100.10 transportation, and the chair of the Board of Water and Soil Resources, and a representative
100.11 ~~of the governor's office designated by the governor.~~ The governor shall appoint ~~five~~ eight
100.12 members from the general public to the board, one from each congressional district, subject
100.13 to the advice and consent of the senate. ~~At least two of~~ The ~~five~~ public members must have
100.14 knowledge of and be conversant in ~~water management issues in the state~~ environmental
100.15 review or permitting. Notwithstanding the provisions of section 15.06, subdivision 6,
100.16 members of the board may not delegate their powers and responsibilities as board members
100.17 to any other person.

100.18 Sec. 113. Minnesota Statutes 2016, section 116C.04, subdivision 2, is amended to read:

100.19 Subd. 2. **Jurisdiction.** ~~(a) The board shall determine which environmental problems of~~
100.20 ~~interdepartmental concern to state government shall be considered by the board. The board~~
100.21 ~~shall initiate interdepartmental investigations into those matters that it determines are in~~
100.22 ~~need of study. Topics for investigation may include but need not be limited to future~~
100.23 ~~population and settlement patterns, air and water resources and quality, solid waste~~
100.24 ~~management, transportation and utility corridors, economically productive open space,~~
100.25 ~~energy policy and need, growth and development, and land use planning.~~

100.26 ~~(b) The board shall review programs of state agencies that significantly affect the~~
100.27 ~~environment and coordinate those it determines are interdepartmental in nature, and insure~~
100.28 ~~agency compliance with state environmental policy.~~

100.29 ~~(e) The board may review environmental rules and criteria for granting and denying~~
100.30 ~~permits by state agencies and may resolve conflicts involving state agencies with regard to~~
100.31 ~~programs, rules, permits and procedures significantly affecting the environment, provided~~
100.32 ~~that such resolution of conflicts is consistent with state environmental policy.~~

101.1 ~~(d) State agencies shall submit to the board all proposed legislation of major significance~~
101.2 ~~relating to the environment and the board shall submit a report to the governor and the~~
101.3 ~~legislature with comments on such major environmental proposals of state agencies.~~

101.4 Sec. 114. Minnesota Statutes 2016, section 116D.04, subdivision 2a, is amended to read:

101.5 Subd. 2a. **When prepared.** (a) Where there is potential for significant environmental
101.6 effects resulting from any major governmental action, the action shall be preceded by a
101.7 detailed environmental impact statement prepared by the responsible governmental unit.
101.8 The environmental impact statement shall be an analytical rather than an encyclopedic
101.9 document which describes the proposed action in detail, analyzes its significant environmental
101.10 impacts, discusses appropriate alternatives to the proposed action and their impacts, and
101.11 explores methods by which adverse environmental impacts of an action could be mitigated.
101.12 The environmental impact statement shall also analyze those economic, employment, and
101.13 sociological effects that cannot be avoided should the action be implemented. To ensure its
101.14 use in the decision-making process, the environmental impact statement shall be prepared
101.15 as early as practical in the formulation of an action.

101.16 ~~(a)~~ (b) The board shall by rule establish categories of actions for which environmental
101.17 impact statements and for which environmental assessment worksheets shall be prepared
101.18 as well as categories of actions for which no environmental review is required under this
101.19 section. A mandatory environmental assessment worksheet ~~shall~~ is not be required for the
101.20 expansion of an ethanol plant, as defined in section 41A.09, subdivision 2a, paragraph (b),
101.21 or the conversion of an ethanol plant to a biobutanol facility or the expansion of a biobutanol
101.22 facility as defined in section 41A.15, subdivision 2d, based on the capacity of the expanded
101.23 or converted facility to produce alcohol fuel, but must be required if the ethanol plant or
101.24 biobutanol facility meets or exceeds thresholds of other categories of actions for which
101.25 environmental assessment worksheets must be prepared. The responsible governmental unit
101.26 for an ethanol plant or biobutanol facility project for which an environmental assessment
101.27 worksheet is prepared ~~shall be~~ is the state agency with the greatest responsibility for
101.28 supervising or approving the project as a whole.

101.29 (c) A mandatory environmental impact statement ~~shall~~ is not be required for a facility
101.30 or plant located outside the seven-county metropolitan area that produces less than
101.31 125,000,000 gallons of ethanol, biobutanol, or cellulosic biofuel annually, or produces less
101.32 than 400,000 tons of chemicals annually, if the facility or plant is: an ethanol plant, as
101.33 defined in section 41A.09, subdivision 2a, paragraph (b); a biobutanol facility, as defined
101.34 in section 41A.15, subdivision 2d; or a cellulosic biofuel facility. A facility or plant that

102.1 only uses a cellulosic feedstock to produce chemical products for use by another facility as
102.2 a feedstock ~~shall~~ is not ~~be~~ considered a fuel conversion facility as used in rules adopted
102.3 under this chapter.

102.4 ~~(b)~~ (d) The responsible governmental unit shall promptly publish notice of the completion
102.5 of an environmental assessment worksheet by publishing the notice in at least one newspaper
102.6 of general circulation in the geographic area where the project is proposed, by posting the
102.7 notice on a Web site that has been designated as the official publication site for publication
102.8 of proceedings, public notices, and summaries of a political subdivision in which the project
102.9 is proposed, or in any other manner determined by the board and shall provide copies of
102.10 the environmental assessment worksheet to the board and its member agencies. Comments
102.11 on the need for an environmental impact statement may be submitted to the responsible
102.12 governmental unit during a 30-day period following publication of the notice that an
102.13 environmental assessment worksheet has been completed. The responsible governmental
102.14 unit's decision on the need for an environmental impact statement shall be based on the
102.15 environmental assessment worksheet and the comments received during the comment period,
102.16 and shall be made within 15 days after the close of the comment period. The board's chair
102.17 may extend the 15-day period by not more than 15 additional days upon the request of the
102.18 responsible governmental unit.

102.19 ~~(e)~~ (e) An environmental assessment worksheet shall also be prepared for a proposed
102.20 action whenever material evidence accompanying a petition by not less than 100 individuals
102.21 who reside or own property in the state, submitted before the proposed project has received
102.22 final approval by the appropriate governmental units, demonstrates that, because of the
102.23 nature or location of a proposed action, there may be potential for significant environmental
102.24 effects. Petitions requesting the preparation of an environmental assessment worksheet shall
102.25 be submitted to the board. The chair of the board shall determine the appropriate responsible
102.26 governmental unit and forward the petition to it. A decision on the need for an environmental
102.27 assessment worksheet shall be made by the responsible governmental unit within 15 days
102.28 after the petition is received by the responsible governmental unit. The board's chair may
102.29 extend the 15-day period by not more than 15 additional days upon request of the responsible
102.30 governmental unit.

102.31 ~~(d)~~ (f) Except in an environmentally sensitive location where Minnesota Rules, part
102.32 4410.4300, subpart 29, item B, applies, the proposed action is exempt from environmental
102.33 review under this chapter and rules of the board, if:

102.34 (1) the proposed action is:

- 103.1 (i) an animal feedlot facility with a capacity of less than 1,000 animal units; or
- 103.2 (ii) an expansion of an existing animal feedlot facility with a total cumulative capacity
- 103.3 of less than 1,000 animal units;
- 103.4 (2) the application for the animal feedlot facility includes a written commitment by the
- 103.5 proposer to design, construct, and operate the facility in full compliance with Pollution
- 103.6 Control Agency feedlot rules; and
- 103.7 (3) the county board holds a public meeting for citizen input at least ten business days
- 103.8 ~~prior to~~ before the Pollution Control Agency or county issuing a feedlot permit for the
- 103.9 animal feedlot facility unless another public meeting for citizen input has been held with
- 103.10 regard to the feedlot facility to be permitted. The exemption in this paragraph is in addition
- 103.11 to other exemptions provided under other law and rules of the board.
- 103.12 ~~(e)~~ (g) The board may, ~~prior to~~ before final approval of a proposed project, require
- 103.13 preparation of an environmental assessment worksheet by a responsible governmental unit
- 103.14 selected by the board for any action where environmental review under this section has not
- 103.15 been specifically provided for by rule or otherwise initiated.
- 103.16 ~~(f)~~ (h) An early and open process shall be utilized to limit the scope of the environmental
- 103.17 impact statement to a discussion of those impacts, ~~which~~ that, because of the nature or
- 103.18 location of the project, have the potential for significant environmental effects. The same
- 103.19 process shall be utilized to determine the form, content, and level of detail of the statement
- 103.20 as well as the alternatives ~~which~~ that are appropriate for consideration in the statement. In
- 103.21 addition, the permits ~~which~~ that will be required for the proposed action shall be identified
- 103.22 during the scoping process. Further, the process shall identify those permits for which
- 103.23 information will be developed concurrently with the environmental impact statement. The
- 103.24 board shall provide in its rules for the expeditious completion of the scoping process. The
- 103.25 determinations reached in the process shall be incorporated into the order requiring the
- 103.26 preparation of an environmental impact statement.
- 103.27 ~~(g)~~ (i) The responsible governmental unit shall, to the extent practicable, avoid duplication
- 103.28 and ensure coordination between state and federal environmental review and between
- 103.29 environmental review and environmental permitting. Whenever practical, information
- 103.30 needed by a governmental unit for making final decisions on permits or other actions required
- 103.31 for a proposed project shall be developed in conjunction with the preparation of an
- 103.32 environmental impact statement. When an environmental impact statement is prepared for
- 103.33 a project requiring multiple permits for which two or more agencies' decision processes
- 103.34 include either mandatory or discretionary hearings before a hearing officer ~~prior to~~ before

104.1 the agencies' decision on the permit, the agencies may, notwithstanding any law or rule to
104.2 the contrary, conduct the hearings in a single consolidated hearing process if requested by
104.3 the proposer. All agencies having jurisdiction over a permit that is included in the
104.4 consolidated hearing shall participate. The responsible governmental unit shall establish
104.5 appropriate procedures for the consolidated hearing process, including procedures to ensure
104.6 that the consolidated hearing process is consistent with the applicable requirements for each
104.7 permit regarding the rights and duties of parties to the hearing, and shall utilize the earliest
104.8 applicable hearing procedure to initiate the hearing. All agencies having jurisdiction over
104.9 a permit identified in the draft environmental impact statement must accept and begin
104.10 reviewing any permit application upon publication of the notice of preparation of the
104.11 environmental impact statement.

104.12 ~~(h)~~ (j) An environmental impact statement shall be prepared and its adequacy determined
104.13 within 280 days after notice of its preparation unless the time is extended by consent of the
104.14 parties or by the governor for good cause. The responsible governmental unit shall determine
104.15 the adequacy of an environmental impact statement, unless within 60 days after notice is
104.16 published that an environmental impact statement will be prepared, the board chooses to
104.17 determine the adequacy of an environmental impact statement. If an environmental impact
104.18 statement is found to be inadequate, the responsible governmental unit shall have 60 days
104.19 to prepare an adequate environmental impact statement.

104.20 ~~(i)~~ (k) The proposer of a specific action may include in the information submitted to the
104.21 responsible governmental unit a preliminary draft environmental impact statement under
104.22 this section on that action for review, modification, and determination of completeness and
104.23 adequacy by the responsible governmental unit. A preliminary draft environmental impact
104.24 statement prepared by the project proposer and submitted to the responsible governmental
104.25 unit shall identify or include as an appendix all studies and other sources of information
104.26 used to substantiate the analysis contained in the preliminary draft environmental impact
104.27 statement. The responsible governmental unit shall require additional studies, if needed,
104.28 and obtain from the project proposer all additional studies and information necessary for
104.29 the responsible governmental unit to perform its responsibility to review, modify, and
104.30 determine the completeness and adequacy of the environmental impact statement.

104.31 Sec. 115. Minnesota Statutes 2016, section 116D.04, subdivision 10, is amended to read:

104.32 Subd. 10. **Review.** A person aggrieved by a final decision on the need for an
104.33 environmental assessment worksheet, the need for an environmental impact statement, or
104.34 the adequacy of an environmental impact statement is entitled to judicial review of the

105.1 decision under sections 14.63 to 14.68. A petition for a writ of certiorari by an aggrieved
 105.2 person for judicial review under sections 14.63 to 14.68 must be filed with the Court of
 105.3 Appeals and served on the responsible governmental unit not more than ~~30~~ 45 days after
 105.4 the ~~party receives the final decision and order of the~~ responsible governmental unit provides
 105.5 notice of the decision as required by law. Proceedings for review under this section must
 105.6 be instituted by serving a petition for a writ of certiorari personally or by certified mail upon
 105.7 the responsible governmental unit and by promptly filing the proof of service in the Office
 105.8 of the Clerk of the Appellate Courts and the matter will proceed in the manner provided by
 105.9 the Rules of Civil Appellate Procedure. A copy of the petition must be provided to the
 105.10 attorney general at the time of service. Copies of the writ must be served, personally or by
 105.11 certified mail, upon the responsible governmental unit and the project proposer. The filing
 105.12 of the writ of certiorari does not stay the enforcement of any other governmental action,
 105.13 provided that the responsible governmental unit may stay enforcement or the Court of
 105.14 Appeals may order a stay upon terms it deems proper. A bond may be required under section
 105.15 562.02 unless at the time of hearing on the application for the bond the petitioner-relator
 105.16 has shown that the claim is likely to succeed on the merits. The board may initiate judicial
 105.17 review of decisions referred to herein and the board or a project proposer may intervene as
 105.18 of right in any proceeding brought under this subdivision.

105.19 Sec. 116. Minnesota Statutes 2016, section 116D.045, subdivision 1, is amended to read:

105.20 Subdivision 1. **Assessment.** The board ~~shall~~ must by rule adopt procedures to:

105.21 (1) assess the proposer of a specific action for the responsible governmental unit's
 105.22 reasonable costs of preparing, reviewing, and distributing the environmental impact statement.
 105.23 The costs shall must be determined by the responsible governmental unit pursuant according
 105.24 to the rules promulgated adopted by the board; and

105.25 (2) authorize a proposer of a specific action to prepare a draft environmental impact
 105.26 statement for that action for submission to and review, modification, and determination of
 105.27 completeness and adequacy by the responsible governmental unit.

105.28 Sec. 117. Minnesota Statutes 2016, section 160.06, is amended to read:

105.29 **160.06 TRAIL OR PORTAGE DEDICATION.**

105.30 Any trail or portage between public or navigable bodies of water or from public or
 105.31 navigable water to a public highway in this state ~~which~~ that has been in continued and
 105.32 uninterrupted use by the general public for 15 years or more as a trail or portage for the
 105.33 purposes of travel, ~~shall be~~ is deemed to have been dedicated to the public as a trail or

106.1 portage. This section ~~shall apply~~ applies only to forest trails on established ~~state water trails~~
106.2 canoe routes and the public ~~shall have~~ has the right to use the same for ~~the purposes of travel~~
106.3 to the same extent as public highways. The width of all trails and portages dedicated by
106.4 user ~~shall be~~ is eight feet on each side of the centerline of the trail or portage.

106.5 Sec. 118. Minnesota Statutes 2016, section 168.1295, subdivision 1, is amended to read:

106.6 Subdivision 1. **General requirements and procedures.** (a) The commissioner shall
106.7 issue state parks and trails plates to an applicant who:

106.8 (1) is a registered owner of a passenger automobile, recreational vehicle, one ton pickup
106.9 truck, or motorcycle;

106.10 (2) pays a fee of \$10 to cover the costs of handling and manufacturing the plates;

106.11 (3) pays the registration tax required under section 168.013;

106.12 (4) pays the fees required under this chapter;

106.13 (5) contributes a minimum of ~~\$50~~ \$60 annually to the state parks and trails donation
106.14 account established in section 85.056; and

106.15 (6) complies with this chapter and rules governing registration of motor vehicles and
106.16 licensing of drivers.

106.17 (b) The state parks and trails plate application must indicate that the contribution specified
106.18 under paragraph (a), clause (5), is a minimum contribution to receive the plate and that the
106.19 applicant may make an additional contribution to the account.

106.20 (c) State parks and trails plates may be personalized according to section 168.12,
106.21 subdivision 2a.

106.22 Sec. 119. Minnesota Statutes 2016, section 296A.18, subdivision 6a, is amended to read:

106.23 Subd. 6a. **Computation of nonhighway use amounts.** The nonhighway use amounts
106.24 determined in subdivisions 2 to 6 must be transferred from the highway user tax distribution
106.25 fund to the accounts as provided for in sections 84.794, 84.803, 84.83, 84.927, and 86B.706.
106.26 These amounts, together with interest and penalties for delinquency in payment, paid or
106.27 collected pursuant to the provisions of this chapter, must be computed for each six-month
106.28 period ending June 30 and December 31 and must be transferred on November 1 and ~~June~~
106.29 April 1 following each six-month period.

107.1 Sec. 120. Laws 2013, chapter 114, article 4, section 105, is amended to read:

107.2 Sec. 105. **RULES; SILICA SAND.**

107.3 (a) The commissioner of the Pollution Control Agency ~~shall~~ may adopt rules pertaining
107.4 to the control of particulate emissions from silica sand projects. The rulemaking is exempt
107.5 from Minnesota Statutes, section 14.125.

107.6 (b) The commissioner of natural resources shall adopt rules pertaining to the reclamation
107.7 of silica sand mines. The rulemaking is exempt from Minnesota Statutes, section 14.125.

107.8 (c) By January 1, 2014, the Department of Health shall adopt an air quality health-based
107.9 value for silica sand.

107.10 (d) The Environmental Quality Board ~~shall~~ may amend its rules for environmental
107.11 review, adopted under Minnesota Statutes, chapter 116D, for silica sand mining and
107.12 processing to take into account the increased activity in the state and concerns over the size
107.13 of specific operations. The Environmental Quality Board shall consider whether the
107.14 requirements of Minnesota Statutes, section 116C.991, should remain part of the
107.15 environmental review requirements for silica sand and whether the requirements should be
107.16 different for different geographic areas of the state. The rulemaking is exempt from Minnesota
107.17 Statutes, section 14.125.

107.18 Sec. 121. Laws 2015, First Special Session chapter 4, article 4, section 136, is amended
107.19 to read:

107.20 Sec. 136. **WILD RICE WATER QUALITY STANDARDS.**

107.21 (a) Until the commissioner of the Pollution Control Agency amends rules refining the
107.22 wild rice water quality standard in Minnesota Rules, part 7050.0224, subpart 2, to consider
107.23 all independent research and publicly funded research and to include criteria for identifying
107.24 waters and a list of waters subject to the standard, implementation of the wild rice water
107.25 quality standard in Minnesota Rules, part 7050.0224, subpart 2, shall be limited to the
107.26 following, unless the permittee requests additional conditions:

107.27 (1) when issuing, modifying, or renewing national pollutant discharge elimination system
107.28 (NPDES) or state disposal system (SDS) permits, the agency shall endeavor to protect wild
107.29 rice, and in doing so shall be limited by the following conditions:

107.30 (i) the agency shall not require permittees to expend money for design or implementation
107.31 of sulfate treatment technologies or other forms of sulfate mitigation; and

107.32 (ii) the agency may require sulfate minimization plans in permits; and

108.1 (2) the agency shall not list waters containing natural beds of wild rice as impaired for
108.2 sulfate under section 303(d) of the federal Clean Water Act, United States Code, title 33,
108.3 section 1313, until the rulemaking described in this paragraph takes effect.

108.4 (b) Upon the rule described in paragraph (a) taking effect, the agency may reopen permits
108.5 issued or reissued after the effective date of this section as needed to include numeric permit
108.6 limits based on the wild rice water quality standard.

108.7 (c) The commissioner shall complete the rulemaking described in paragraph (a) by
108.8 January 15, ~~2018~~ 2019.

108.9 Sec. 122. Laws 2016, chapter 189, article 3, section 46, is amended to read:

108.10 Sec. 46. **PRESCRIBED BURN REQUIREMENTS; REPORT.**

108.11 The commissioner of natural resources, in cooperation with prescribed burning
108.12 professionals, nongovernmental organizations, and local and federal governments, must
108.13 develop criteria for certifying an entity to conduct a prescribed burn under ~~a general~~ an open
108.14 burning permit. The certification requirements must include training, equipment, and
108.15 experience requirements and include an apprentice program to allow entities without
108.16 experience to become certified. The commissioner must establish provisions for decertifying
108.17 entities. The commissioner must not require additional certification or requirements for
108.18 burns conducted as part of normal agricultural practices not currently subject to prescribed
108.19 burn specifications. The commissioner must submit a report with recommendations and
108.20 any legislative changes needed to the chairs and ranking minority members of the house of
108.21 representatives and senate committees and divisions with jurisdiction over environment and
108.22 natural resources by January 15, 2017.

108.23 Sec. 123. **DEMOLITION DEBRIS LANDFILL PERMITTING.**

108.24 A solid waste permit issued by the Pollution Control Agency to an existing class I
108.25 demolition debris landfill facility that is operating under the Pollution Control Agency
108.26 Demolition Landfill Guidance, issued August 2005, is extended pursuant to Minnesota
108.27 Rules, part 7001.0160, for five years, unless a new permit is issued for the facility by the
108.28 Pollution Control Agency after the effective date of this section.

108.29 **EFFECTIVE DATE.** This section is effective the day following final enactment.

109.1 Sec. 124. **ENVIRONMENTAL QUALITY BOARD MEMBERSHIP TRANSITION.**

109.2 (a) Until the governor has appointed members of the Environmental Quality Board from
109.3 each congressional district as required under this act, this section governs membership of
109.4 the board.

109.5 (b) The citizen members of the board as of July 1, 2017, shall continue to serve until the
109.6 expiration of their terms.

109.7 (c) No later than October 1, 2017, the governor shall appoint board members from the
109.8 first, second, seventh, and eighth congressional districts for terms to begin January 2, 2018.

109.9 (d) No later than October 1, 2018, the governor shall appoint a board member from the
109.10 third congressional district for a term to begin January 8, 2019.

109.11 (e) No later than October 1, 2019, the governor shall appoint a board member from the
109.12 fourth congressional district for a term to begin January 7, 2020.

109.13 (f) No later than October 1, 2020, the governor shall appoint a board member from the
109.14 fifth congressional district for a term to begin January 5, 2021.

109.15 (g) No later than October 1, 2021, the governor shall appoint a commissioner from the
109.16 sixth congressional district for a term to begin January 4, 2022.

109.17 Sec. 125. **SAND DUNES STATE FOREST MANAGEMENT; PLAN REQUIRED.**

109.18 Subdivision 1. **Forest management.** When managing the Sand Dunes State Forest, the
109.19 commissioner of natural resources must:

109.20 (1) not convert additional land to oak savanna or convert oak savanna to nonforest land
109.21 unless it is done as a result of a contract entered into before the effective date of this section;

109.22 (2) require all prairie seeds planted to be from native species of a local ecotype to
109.23 Sherburne or Benton County; and

109.24 (3) comply with the Minnesota Forest Resources Council's guidelines for aesthetics in
109.25 residential areas.

109.26 Subd. 2. **Forest management plan; county approval.** Within two years of the effective
109.27 date of this section, the commissioner must develop and submit a forest management plan
109.28 for the Sand Dunes State Forest that has been approved by the county board to the chairs
109.29 and ranking minority members of the house of representatives and senate committees and
109.30 divisions with jurisdiction over environment and natural resources.

110.1 Subd. 3. **Prescribed burns; notification.** At least 40 days before conducting a prescribed
110.2 burn, the commissioner must:

110.3 (1) publish a notice in a newspaper of general circulation in the area;

110.4 (2) notify the county and township in writing; and

110.5 (3) notify residents within a quarter mile of the prescribed burn in writing.

110.6 Subd. 4. **School trust lands.** Nothing in this section restricts the ability of the
110.7 commissioner or the school trust lands director from managing school trust lands within
110.8 the Sand Dunes State Forest for economic return.

110.9 Subd. 5. **Township road.** If the commissioner of natural resources finds that any portion
110.10 of 233rd Avenue within the Sand Dunes State Forest is not owned by the township, the
110.11 commissioner must convey an easement over and across state-owned lands administered
110.12 by the commissioner to the township under Minnesota Statutes, section 84.63, for the width
110.13 of 233rd Avenue.

110.14 Subd. 6. **Sunset.** This section expires two years from the day following final enactment.

110.15 **EFFECTIVE DATE.** This section is effective the day following final enactment.

110.16 Sec. 126. **FORT RIDGELY STATE PARK GOLF COURSE.**

110.17 (a) By May 1, 2017, the commissioner of natural resources must work out an agreement
110.18 with the city of Fairfax that allows the city to lease and operate the golf course at Fort
110.19 Ridgely State Park. The agreement must include:

110.20 (1) lease and operation of the existing golf course;

110.21 (2) lease of the irrigation system, including the ability to maintain and repair it;

110.22 (3) lease of the upper level of the Fort Ridgely State Park Chalet;

110.23 (4) lease of Storage Building 4-292;

110.24 (5) the ability for golf carts to be used by users of the golf course;

110.25 (6) the ability to offer liquor for sale;

110.26 (7) public access to the golf course without requiring a state park permit;

110.27 (8) the ability to improve the golf course, including improvements to golf-cart paths and
110.28 the chalet; and

110.29 (9) terms that ensure there is not a negative fiscal impact to the Department of Natural
110.30 Resources.

111.1 (b) The agreement must allow the city to lease the golf course for 12 months and renew
111.2 the lease annually for at least ten years. The rental fee must not exceed eight percent of the
111.3 total green fees received, excluding golf-cart rental fees. The commissioner must ensure
111.4 that the golf course has a playable surface when the lease begins and the city of Fairfax
111.5 must ensure the golf course has a playable surface should the lease expire.

111.6 (c) Admission to property leased under this section is exempt from state park permit
111.7 fees required under Minnesota Statutes, chapter 85.

111.8 **EFFECTIVE DATE.** This section is effective the day following final enactment.

111.9 Sec. 127. **HILL-ANNEX MINE STATE PARK MANAGEMENT AND OPERATION**
111.10 **PLAN.**

111.11 The commissioner of natural resources must work with the commissioner of the Iron
111.12 Range Resources and Rehabilitation Board and representatives from the city of Calumet,
111.13 Itasca County, and the Western Mesabi Mine Planning Board to create an alternate operating
111.14 model for local management and operation of Hill-Annex Mine State Park until mining
111.15 resumes on the property. The commissioner of natural resources must submit a management
111.16 and operation plan to the chairs and ranking minority members of the house of representatives
111.17 and senate committees and divisions with jurisdiction over environment and natural resources
111.18 by January 15, 2018.

111.19 Sec. 128. **BASE BUDGET REPORT.**

111.20 (a) The commissioners of natural resources and the Pollution Control Agency must each
111.21 submit a report that contains the details of their base budgets, by fiscal year, including:

111.22 (1) appropriation riders for the previous biennium and the year the rider was first used;

111.23 (2) anticipated appropriation riders for the fiscal years 2020-2021 biennium;

111.24 (3) statutory appropriations; and

111.25 (4) an explanation on the use of funds for each appropriation not covered by a rider.

111.26 (b) The reports must be submitted to the chairs and ranking minority members of the
111.27 house of representatives and senate committees and divisions with jurisdiction over
111.28 environment and natural resources by October 15, 2018.

112.1 Sec. 129. **RULEMAKING; MINNOW LICENSES.**

112.2 The commissioner of natural resources shall amend Minnesota Rules, part 6254.0100,
112.3 subpart 2, to conform with Minnesota Statutes, section 97C.501, subdivision 1. The
112.4 commissioner may use the good cause exemption under Minnesota Statutes, section 14.388,
112.5 subdivision 1, clause (3), to adopt rules under this section, and Minnesota Statutes, section
112.6 14.386, does not apply, except as provided under Minnesota Statutes, section 14.388.

112.7 Sec. 130. **CANCELLATION OF PERMITS.**

112.8 Water-use permits issued before July 1, 2017, for water use exempted under Minnesota
112.9 Statutes, section 103G.271, subdivision 1, paragraph (b), clause (3), are canceled effective
112.10 July 1, 2017.

112.11 Sec. 131. **RULEMAKING; EFFLUENT LIMITATION COMPLIANCE.**

112.12 (a) The commissioner of the Pollution Control Agency shall amend Minnesota Rules,
112.13 part 7001.0150, subpart 2, item A, by inserting the following:

112.14 "For a municipality that constructs a publicly owned treatment works facility or an industrial
112.15 national pollutant discharge elimination system/state disposal system permit holder who
112.16 constructs a treatment works facility to comply with a new or modified effluent limitation,
112.17 compliance with any new or modified effluent limitation adopted after construction begins
112.18 that would require additional capital investment is required no sooner than 16 years after
112.19 the date of initiation of operation of the facility."

112.20 (b) The commissioner may use the good cause exemption under Minnesota Statutes,
112.21 section 14.388, subdivision 1, clause (3), to adopt rules under this section, and Minnesota
112.22 Statutes, section 14.386, does not apply, except as provided under Minnesota Statutes,
112.23 section 14.388.

112.24 Sec. 132. **REPEALER.**

112.25 (a) Minnesota Statutes 2016, sections 84.026, subdivision 3; 97B.031, subdivision 5;
112.26 97C.701, subdivisions 1a and 6; 97C.705; 97C.711; and 116C.04, subdivisions 3 and 4, are
112.27 repealed.

112.28 (b) Minnesota Rules, parts 6258.0100; 6258.0200; 6258.0300; 6258.0400; 6258.0500;
112.29 6258.0600; 6258.0700, subparts 1, 4, and 5; 6258.0800; and 6258.0900, are repealed.

APPENDIX
Article locations in H0888-1

	ENVIRONMENT AND NATURAL RESOURCES	
ARTICLE 1	APPROPRIATIONS	Page.Ln 2.7
	ENVIRONMENT AND NATURAL RESOURCES STATUTORY	
ARTICLE 2	CHANGES	Page.Ln 32.11

84.026 CONTRACTS AND GRANTS FOR PROVISION OF NATURAL RESOURCES SERVICES.

Subd. 3. **Procurement law.** All contractual and grant agreements under this section shall be processed according to section 16C.05.

97B.031 USE AND POSSESSION OF FIREARMS.

Subd. 5. **Scopes; visually impaired hunters.** (a) Notwithstanding any other law to the contrary, the commissioner may issue a special permit, without a fee, to use a muzzleloader with a scope to take deer during the muzzleloader season to a person who is under age 60, who obtains the required licenses, and who has a visual impairment. The scope may not have magnification capabilities.

(b) The visual impairment must be to the extent that the applicant is unable to identify targets and the rifle sights at the same time without a scope. The visual impairment and specific conditions must be established by medical evidence verified in writing by (1) a licensed physician or a certified nurse practitioner or certified physician assistant acting under the direction of a licensed physician; (2) a licensed ophthalmologist; or (3) a licensed optometrist. The commissioner may request additional information from the physician if needed to verify the applicant's eligibility for the permit.

(c) A permit issued under this subdivision may be valid for up to five years, based on the permanence of the visual impairment as determined by the licensed physician, ophthalmologist, or optometrist.

(d) The permit must be in the immediate possession of the permittee when hunting under the special permit.

(e) The commissioner may deny, modify, suspend, or revoke a permit issued under this subdivision for cause, including a violation of the game and fish laws or rules.

(f) A person who knowingly makes a false application or assists another in making a false application for a permit under this subdivision is guilty of a misdemeanor. A physician, certified nurse practitioner, certified physician assistant, ophthalmologist, or optometrist who fraudulently certifies to the commissioner that a person is visually impaired as described in this subdivision is guilty of a misdemeanor.

(g) A permit is not required under this subdivision to use an electronic range finder according to section 97B.081, subdivision 3, paragraph (c).

97C.701 TAKING MUSSELS.

Subd. 1a. **Handpicking required.** A person may only harvest mussels by handpicking.

Subd. 6. **Possession, sale, and transportation.** Mussels and clams may be possessed, bought, sold, and transported in any quantity during the open season and seven days after the season closes.

97C.705 MUSSEL SEASONS.

Subdivision 1. **Open seasons.** (a) The open season for taking mussels is from May 16 to the last day of February.

(b) The commissioner may by rule restrict the open season for taking mussels for commercial purposes.

Subd. 2. **Closed areas.** The commissioner may close up to 50 percent of the mussel-producing waters of the state to the taking of mussels.

97C.711 UNDERSIZED MUSSELS.

A person must return undersized mussels to the water without injury.

116C.04 POWERS AND DUTIES.

Subd. 3. **Cooperation.** The board shall cooperate with regional development commissions in appropriate matters of environmental concern.

Subd. 4. **Task forces.** The board may establish interdepartmental or citizen task forces or subcommittees to study particular problems.

6258.0100 SEASON FOR HARVESTING MUSSEL SHELLS FOR PERSONAL USE.

Live mussels may not be harvested for personal use. During the open season, a person possessing a valid resident or nonresident angling license or a person exempt from licensing may take and possess at any time, for personal use only, not more than 24 whole shells or 48 shell halves of dead freshwater mussels. Mussel shells may be harvested in waters of the state where fish may be taken by angling. Mussel shells must be harvested by hand picking only and may not be purchased or sold.

6258.0200 SEASON TO COMMERCIALY HARVEST MUSSELS BY PERMIT.

Subpart 1. **Open season for commercially harvesting mussels.** The open season for taking mussels is May 16 through August 31.

Subp. 2. **Allowed times for harvesting.** Mussels may be harvested from sunrise to sunset only.

6258.0300 COMMERCIAL PERMITS FOR MUSSELS.

Subpart 1. **Commercial permit required.** A person may not take, possess, buy, sell, or transport live freshwater mussels or more than 24 whole shells or 48 shell halves of dead freshwater mussels, or assist another person in such taking, without first obtaining a commercial mussel permit from the commissioner.

Subp. 2. **Commercial permit issuance.** Commercial mussel permits may be issued subject to the criteria in items A to C.

A. Applications must be submitted to the local area or regional fisheries office on forms provided by the commissioner.

B. Approved permits will be issued only to Minnesota residents who possess a valid Minnesota resident angling license or who are exempt from licensing.

C. Application forms must be signed by the applicant. All requested information must be provided. Failure to properly and fully complete an application form will result in its rejection.

Subp. 3. **Commercial permit duration.** A commercial mussel permit may be issued annually and may be issued for periods shorter than one season, at the discretion of the commissioner.

Subp. 4. **Commercial permit termination to protect resource.** The commissioner may terminate a commercial mussel permit upon 48 hours' written notice to protect aquatic resources.

6258.0400 SPECIES FOR COMMERCIAL HARVEST.

Only three ridge (*Amblema plicata*) mussels may be harvested under a commercial mussel permit. Additional species may be requested for harvest from specific sites by special permit. Three ridge mussels may lawfully be harvested, as live whole mussels or shell halves, provided that they cannot pass through a three-inch diameter hole.

6258.0500 HARVEST SITES FOR PERMITTEES.

Subpart 1. **Identification of mussel harvest sites.** Mussel harvest sites must be identified in the application and permit by legal description or in other defining terms as needed to accurately locate the area.

Subp. 2. **Harvesting restricted outside of permitted site.** The taking of mussels by a permittee from a place outside the permitted harvest site is prohibited.

Subp. 3. **Harvesting prohibited on certain border waters.** Mussel harvesting is not permitted on the Minnesota-Wisconsin border waters described in part 6266.0500, subpart 1.

6258.0600 HARVEST GEAR FOR PERMITTEES.

Mussels may be taken only by hand picking with or without aid of breathing apparatus.

6258.0700 PERMITTEE HARVEST OPERATIONS.

Subpart 1. **Notice of harvest operations.** To ensure compliance with permit conditions, the commissioner may require the permittee to inform the local area fisheries office and conservation officer 24 hours in advance of any intended mussel harvest operations. Changes in location or dates may require an additional notification.

6258.0700 PERMITTEE HARVEST OPERATIONS.

Subp. 4. **Return of undersized mussels or shells.** Undersized three ridge mussels or unlawful mussel shells, live or dead, must be returned immediately to the water at the site where taken.

6258.0700 PERMITTEE HARVEST OPERATIONS.

Subp. 5. **Restriction on harvesting mussels near dams.** Harvesting of mussels may not occur within 1,000 feet downstream of a dam.

6258.0800 PERMITTEE REPORTS, RECORDS, AND INSPECTIONS.

Subpart 1. **Required records.** A permittee must keep records of each mussel sales transaction. The records must be verifiable with supporting sales slips and include:

- A. pounds of mussels sold;
- B. name and address of the buyer; and
- C. date of transaction.

Records must be kept current within 48 hours of each transaction. Failure to keep complete and current records may result in immediate revocation of the permit and may render the permittee ineligible for permits for one year. All records must be maintained and available for inspection, at the permittee's address, for three years.

Subp. 2. **Required reports.** A permittee must submit reports monthly while the permit is valid on forms provided by the commissioner. Reports for the previous month must be submitted by the permittee to the address identified on the form so that they are received by the department by the 15th of each month even if no harvest activity took place. All information requested on the report must be provided. Failure to submit required reports may result in revocation of the existing permit and may render the permittee ineligible for permits for one year.

Subp. 3. **Inspections.** Records required in this part, business and operation premises, and boats, vehicles, and gear used in the mussel harvesting operations may be inspected at all reasonable times by the commissioner.

6258.0900 SPECIAL RESTRICTIONS ON TAKING MUSSELS.

Subpart 1. **Restriction on returning processed mussels to the water.** Meats resulting from the processing of live whole mussels may not be returned to the water or deposited on a shoreline or adjacent land. The meat of mussels lawfully obtained may be used as bait for angling purposes.

Subp. 2. **Restriction on harvest of certain species of mussels.** The Higgins' eye (*Lampsilis higginsii*), elephant ear (*Elliptio crassidens*), ebony shell (*Fusconaia ebena*), winged mapleleaf (*Quadrula fragosa*), fat pocketbook (*Proptera capax*) mussels, or any mussel listed as endangered or threatened in this state may not be harvested or intentionally disturbed. If these species are located within the harvest site, all harvest operations must immediately stop and the permittee or personal use harvester must notify the area fisheries office within 24 hours.

Subp. 3. **Transfer of mussels prohibited.** Live mussels may not be transferred within or between bodies of water, except under permit issued by the commissioner.